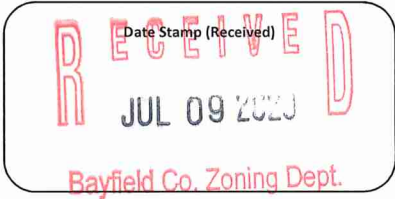


SUBMIT: COMPLETED APPLICATION, TAX STATEMENT AND FEE TO:
Bayfield County
Planning and Zoning Depart.
PO Box 58
Washburn, WI 54891
(715) 373-6138

APPLICATION FOR PERMIT
BAYFIELD COUNTY, WISCONSIN



Permit #:	21-0218
Date:	7-15-21
Amount Paid:	\$225 7-14-20
Refund:	

INSTRUCTIONS: No permits will be issued until all fees are paid.
Checks are made payable to: Bayfield County Zoning Department.

DO NOT START CONSTRUCTION UNTIL ALL PERMITS HAVE BEEN ISSUED TO APPLICANT.

Original Application MUST be submitted

FILL OUT IN INK (NO PENCIL)

TYPE OF PERMIT REQUESTED →		<input type="checkbox"/> LAND USE		<input type="checkbox"/> SANITARY		<input type="checkbox"/> PRIVY		<input type="checkbox"/> CONDITIONAL USE		<input type="checkbox"/> SPECIAL USE		<input type="checkbox"/> B.O.A.		<input type="checkbox"/> OTHER	
Owner's Name: Ray A Ebert		Mailing Address: 42860 Lake Ridge Rd				City/State/Zip: Cable, WI 54821				Telephone: 507-313-1882					
Address of Property: 42860 Lake Ridge Rd		City/State/Zip: Cable, WI 54821								Cell Phone:					
Contractor:		Contractor Phone:				Plumber:				Plumber Phone:					
Authorized Agent: (Person Signing Application on behalf of Owner(s)) Same		Agent Phone:				Agent Mailing Address (include City/State/Zip):				Written Authorization Attached <input type="checkbox"/> Yes <input type="checkbox"/> No					
PROJECT LOCATION		Legal Description: (Use Tax Statement)				Tax ID# 25259				Recorded Document: (Showing Ownership) 427 291					
1/4, 1/4		Gov't Lot		Lot(s)		CSM		Vol & Page		CSM Doc #		Lot(s) #		Block #	
Youngs Assessor's Plat Lot 10															
Section 21, Township 43 N, Range 06 W		Town of: Namakagon				Lot Size				Acreage 0.400					

<input checked="" type="checkbox"/> Shoreland →	<input type="checkbox"/> Is Property/Land within 300 feet of River, Stream (incl. Intermittent) Creek or Landward side of Floodplain? If yes---continue →	Distance Structure is from Shoreline : _____ feet	Is your Property in Floodplain Zone? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are Wetlands Present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<input checked="" type="checkbox"/> Is Property/Land within 1000 feet of Lake, Pond or Flowage If yes---continue →	Distance Structure is from Shoreline : 190 feet		
<input type="checkbox"/> Non-Shoreland				

Value at Time of Completion * include donated time & material	Project	Project # of Stories	Project Foundation	Total # of bedrooms on property	What Type of Sewer/Sanitary System(s) Is on the property or Will be on the property?	Type of Water on property
\$190,000	<input type="checkbox"/> New Construction	<input type="checkbox"/> 1-Story	<input type="checkbox"/> Basement	<input type="checkbox"/> 1	<input type="checkbox"/> Municipal/City	<input type="checkbox"/> City
	<input checked="" type="checkbox"/> Addition/Alteration	<input type="checkbox"/> 1-Story + Loft	<input checked="" type="checkbox"/> Foundation	<input type="checkbox"/> 2	<input type="checkbox"/> (New) Sanitary Specify Type: _____	<input checked="" type="checkbox"/> Well
	<input type="checkbox"/> Conversion	<input checked="" type="checkbox"/> 2-Story	<input type="checkbox"/> Slab	<input checked="" type="checkbox"/> 3	<input checked="" type="checkbox"/> Sanitary (Exists) Specify Type: septic	<input type="checkbox"/>
	<input type="checkbox"/> Relocate (existing bldg)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Privy (Pit) or <input type="checkbox"/> Vaulted (min 200 gallon)	
	<input type="checkbox"/> Run a Business on Property		Use <input checked="" type="checkbox"/> Year Round	<input type="checkbox"/> None	<input type="checkbox"/> Portable (w/service contract)	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/> Compost Toilet	
					<input type="checkbox"/> None	

Existing Structure: (if addition, alteration or business is being applied for)	Length: 46	Width: 26	Height: 22
Proposed Construction: (overall dimensions)	Length: 46	Width: 50	Height: 22

Proposed Use	✓	Proposed Structure	Dimensions	Square Footage
<input checked="" type="checkbox"/> Residential Use	<input type="checkbox"/>	Principal Structure (first structure on property)	(X)	
	<input type="checkbox"/>	Residence (i.e. cabin, hunting shack, etc.)	(X)	
		with Loft	(X)	
		with a Porch	(X)	
		with (2nd) Porch	(X)	
<input type="checkbox"/> Commercial Use		with a Deck	(X)	
		with (2nd) Deck	(X)	
		with Attached Garage	(X)	
<input type="checkbox"/> Municipal Use	<input type="checkbox"/>	Bunkhouse w/ (<input type="checkbox"/> sanitary, or <input type="checkbox"/> sleeping quarters, or <input type="checkbox"/> cooking & food prep facilities)	(X)	
	<input type="checkbox"/>	Mobile Home (manufactured date) _____	(X)	
	<input checked="" type="checkbox"/>	Addition/Alteration (explain) bedroom and garage 250sq	(24 X 26)	624
	<input type="checkbox"/>	Accessory Building (explain) garage 190sq	(16 X 24)	384
	<input type="checkbox"/>	Accessory Building Addition/Alteration (explain) New Deck	(12 X 24)	288
	<input type="checkbox"/>	Special Use: (explain) enclose existing Deck	(10 X 26)	260
	<input type="checkbox"/>	Conditional Use: (explain)	(X)	
	<input type="checkbox"/>	Other: (explain)	(X)	

I (we) declare that this application (including any accompanying information) has been examined by me (us) and to the best of my (our) knowledge and belief it is true, correct and complete. I (we) acknowledge that I (we) am (are) responsible for the detail and accuracy of all information I (we) am (are) providing and that it will be relied upon by Bayfield County in determining whether to issue a permit. I (we) further accept liability which may be a result of Bayfield County relying on this information I (we) am (are) providing in or with this application. I (we) consent to county officials charged with administering county ordinances to have access to the above described property at any reasonable time for the purpose of inspection.

Owner(s): _____
(If there are Multiple Owners listed on the Deed All Owners must sign or letter(s) of authorization must accompany this application)

Date 08 JULY 2020

Authorized Agent: _____
(If you are signing on behalf of the owner(s) a letter of authorization must accompany this application)

Date _____

Address to send permit 42860 Lake Ridge Rd Cable, WI 54821

Attach
Copy of Tax Statement

If you recently purchased the property send your Recorded Deed

Original Application MUST be submitted

In the box below: **Draw or Sketch your Property** (regardless of what you are applying for)

Fill Out in Ink – **NO PENCIL**

- (1) Show Location of:

Proposed Construction
- (2) Show / Indicate:

North (N) on Plot Plan
- (3) Show Location of (*):

(*) Driveway and (*) Frontage Road (Name Frontage Road)
- (4) Show:

All Existing Structures on your Property
- (5) Show:

(*) Well (W); (*) Septic Tank (ST); (*) Drain Field (DF); (*) Holding Tank (HT) and/or (*) Privy (P)
- (6) Show any (*):

(*) Lake; (*) River; (*) Stream/Creek; or (*) Pond
- (7) Show any (*):

(*) Wetlands; or (*) Slopes over 20%

see attached

Please complete (1) – (7) above (prior to continuing)

Changes in plans must be approved by the Planning & Zoning Dept.

- (8) **Setbacks:** (measured to the closest point)

Description	Setback Measurements	Description	Setback Measurements
Setback from the Centerline of Platted Road	20 Feet	Setback from the Lake (ordinary high-water mark)	190 Feet
Setback from the Established Right-of-Way	N/A Feet	Setback from the River, Stream, Creek	N/A Feet
		Setback from the Bank or Bluff	N/A Feet
Setback from the North Lot Line	30 Feet		
Setback from the South Lot Line	25 Feet	Setback from Wetland	N/A Feet
Setback from the West Lot Line	65 Feet	20% Slope Area on the property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Setback from the East Lot Line	60 Feet	Elevation of Floodplain	N/A Feet
Setback to Septic Tank or Holding Tank	existing Feet	Setback to Well	existing Feet
Setback to Drain Field	existing Feet		
Setback to Privy (Portable, Composting)	N/A Feet		

Prior to the placement or construction of a structure within ten (10) feet of the minimum required setback, the boundary line from which the setback must be measured must be visible from one previously surveyed corner to the other previously surveyed corner or marked by a licensed surveyor at the owner's expense.

Prior to the placement or construction of a structure more than ten (10) feet but less than thirty (30) feet from the minimum required setback, the boundary line from which the setback must be measured must be visible from one previously surveyed corner to the other previously surveyed corner, or verifiable by the Department by use of a corrected compass from a known corner within 500 feet of the proposed site of the structure, or must be marked by a licensed surveyor at the owner's expense.

- (9) **Stake or Mark Proposed Location(s)** of New Construction, Septic Tank (ST), Drain field (DF), Holding Tank (HT), Privy (P), and Well (W).

NOTICE: All Land Use Permits Expire One (1) Year from the Date of Issuance if Construction or Use has not begun.

For the Construction Of New One & Two Family Dwelling: ALL Municipalities Are Required To Enforce The Uniform Dwelling Code.

The local Town, Village, City, State or Federal agencies may also require permits.

You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the department of natural resources wetlands identification web page or contact a department of natural resources service center (715) 685-2900.

Issuance Information (County Use Only)		Sanitary Number: 13-685	# of bedrooms: 4	Sanitary Date: 7-30-13
Permit Denied (Date):		Reason for Denial:		
Permit #: 21-0218		Permit Date: 7-15-21		
Is Parcel a Sub-Standard Lot	<input checked="" type="checkbox"/> Yes (Deed of Record)	<input type="checkbox"/> No	Mitigation Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is Parcel in Common Ownership	<input type="checkbox"/> Yes (Fused/Contiguous Lot(s))	<input checked="" type="checkbox"/> No	Mitigation Attached	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is Structure Non-Conforming	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Affidavit Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Granted by Variance (B.O.A.)		Previously Granted by Variance (B.O.A.)		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Case #: #20-03B		<input type="checkbox"/> Yes <input type="checkbox"/> No Case #:		
Was Parcel Legally Created	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Were Property Lines Represented by Owner	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was Proposed Building Site Delineated	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Was Property Surveyed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Inspection Record:				Zoning District (R-1)
				Lakes Classification (1)
Date of Inspection: 11-1-2020		Inspected by: [Signature]		Date of Re-Inspection:
Condition(s): Town, Committee or Board Conditions Attached? <input type="checkbox"/> Yes <input type="checkbox"/> No – (If No they need to be attached.)				
Build as approved per Variance #20-03B (2020R-584177) + Install all stormwater Mitigation Activities within 6 months of occupancy. Use best management practices during construction. Get required UDC inspections				
Signature of Inspector: [Signature]				Date of Approval: 7/14/21
Hold For Sanitary: <input type="checkbox"/>	Hold For TBA: <input type="checkbox"/>	Hold For Affidavit: <input type="checkbox"/>	Hold For Fees: <input type="checkbox"/>	<input type="checkbox"/>

Case #: 20-033
Meeting Date: 8/27/2020

APPLICATION FOR BOARD OF ADJUSTMENT

RECEIVED
JUL 09 2020

Bayfield Co. Zoning Dept.



Office Use: RRA
Zoning District 1
Lakes Class 1
Notices Sent
Fee Paid \$800 7-14-20

Bayfield County Planning and Zoning Dept.
P.O. Box 58 - Washburn, WI 54891
Phone - (715) 373-6138 / Fax - (715) 373-0114
e-mail: zoning@bayfieldcounty.org

The Undersigned hereby requests a Board of Adjustment permit as follows:

Property Owner (s) Ray A Ebert

Contractor

Property /Site Address 42860 Lake Ridge Rd
Cable, WI 54821

Authorized Agent

Agent's Telephone

Owner's Telephone 507-313-1882

Written Authorization Attached: Yes () No ()

Accurate Legal Description involved in this request (specify only the property involved with this application)

EXHIBIT
#1 8/27/20
BOARD OF ADJUSTMENT
BAYFIELD COUNTY

PROJECT LOCATION	Legal Description: (Use Tax Statement)	Tax ID #:
		<u>25259</u>
<u>1/4, 1/4, of Section 21, Township 43 N, Range 06 W</u> <u>Youngs Assessor's Plat Lot 10</u>		Town of: <u>Namakagon</u>
Gov't Lot	Lot #	CSM #
		<u>427/291</u>
Vol. Page	Lot(s) No.	Block(s) No.
Subdivision:		Lot Size
		<u>0.400</u>
Acreage		

Purpose of Hearing

- ☒ Variance from the terms of Section 13.1.22(b)(2) of Bayfield Co Zoning Ordinance.
13.1.32(c)
☐ Special Exception (13-1-22 (j)) from the terms of Section _____ of Zoning Ordinance.
☐ Appeal of a decision rendered by _____ on _____ (Date).
☐ Interpretation of a prior BOA decision and/or condition(s) of Case # _____

What do you intend to build? garage and bedroom and deck # of Stories: 2
Bedroom 26 x 24; Garage 16 x 24; Deck 12 x 24; Deck 12 x 24; Porch 10 x 26; Porch 10 x 26; () x 1296 sq. ft.
Misc: () x 1556 in changes Total Footprint: 1296 sq. ft. Total overall dimensions: _____' x _____' x Height _____'
(Fill out ONLY what is being requested by Variance)
I request a 20' setback from centerline of Lake Ridge Rd; I request a _____' setback from right-of-way of _____;
I request a _____' setback from _____ property line and a _____' setback from _____ property line.
I request a _____' setback from ordinary high watermark of _____
I request a _____' setback from wetland; Other Impervious Surfaces 47% instead of Maximum 30%

Description Required (show all setbacks here)	Measurement	Description Required (show all setbacks here)	Measurement
Place NA (if doesn't apply to your property)		Place NA (if doesn't apply to your property)	
Setback from the Centerline of Platted Road	<u>20</u> Feet	Setback from the Lake (ordinary high-water mark)	<u>190</u> Feet
Setback from the Established Right-of-Way	<u>NA</u> Feet	Setback from the River, Stream, Creek	<u>NA</u> Feet
		Setback from the Bank or Bluff	<u>NA</u> Feet
Setback from the North Lot Line	<u>30</u> Feet		
Setback from the South Lot Line	<u>25</u> Feet	Is there Wetlands on property	Yes (No)
Setback from the West Lot Line	<u>65</u> Feet	Setback from the Wetland	Feet
Setback from the East Lot Line	<u>60</u> Feet		
		Shows 20% Slope Area on plot plan	Yes (No)
Setback to Septic Tank or Holding Tank	<u>existing</u> Feet	Elevation of Floodplain	<u>NA</u> Feet
Setback to Drain Field	<u>existing</u> Feet		
Setback to Privy (Portable, Composting)	<u>NA</u> Feet	Setback to Well	<u>existing</u> Feet

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LIST ADJACENT PROPERTY OWNERS " **ON THIS FORM** ":

Attach separate sheet "only if" additional space is needed. (12 spaces are provided)

Provide names and full addresses of the owners of all property abutting and within 300' of the applicant's property. (Note: Applicant is solely responsible for obtaining accurate, current names and addresses.)

- | | | |
|---|---|---|
| (1) <u>Hans Rasmussen</u>
<u>42850 Lake Ridge Rd</u>
<u>Cable, WI 54821</u> | (2) <u>James Zavodsky</u>
<u>Box 01224807</u>
<u>Sioux Falls, SD 57186</u> | (3) <u>Robert L Rasmussen</u>
<u>42890 Lake Ridge Rd</u>
<u>Cable, WI 54821</u> |
| (4) <u>Firway, Inc</u>
<u>13540 Treeline Rd</u>
<u>Cable, WI 54821</u> | (5) <u>Lakewoods, Inc</u>
<u>21540 Co Hwy M</u>
<u>Cable, WI 54821</u> | (6) <u>Paul Swanson</u>
<u>4325 Red Forest Rd</u>
<u>Monument, CO 80132</u> |
| (7) <u>Philip Rasmussen</u>
<u>21540 Co Hwy M</u>
<u>Cable WI 54821</u> | (8) <u>Matthew McQueen</u>
<u>160 W 85th St</u>
<u>New York NY 10024</u> | (9) _____

_____ |
| (10) _____

_____ | (11) _____

_____ | (12) _____

_____ |

Have you consulted with a Planning and Zoning Staff Member prior to applying for permit? Yes (X) No ()

Who did you consult with? Tracy Pooler

Ray A E

Agent's Signature

Property Owner's Signature
(All Owners' must sign)

Agent's Address

42860 Lake Ridge Rd

Property Owner's Mailing Address

Cable, WI 54821

08 JULY 2020

(Date)

**** Note:**

If you wish to appeal the Board's decision you must file a writ of certiorari within 30 days of the signed decision to Circuit Court.

Receiving Board of Adjustment approval, does not allow the start of construction, you must first obtain your permit(s) from the Zoning Department.

Web Site Available:
www.bayfieldcounty.org/zoning.asp

000001

LAKEWOODS INC
21540 CO HWY M
CABLE, WI 54821

FIRWAY INC
13540 TREELINE RD
CABLE, WI 54821

ROBERT L & CORINNE E
RASMUSSEN
42890 LAKE RIDGE RD
CABLE, WI 54821

PHILIP A RASMUSSEN
21540 CTY HWY M
CABLE, WI 54821

ROBERT L RASMUSSEN
42890 LAKE RIDGE RD
CABLE, WI 54821

JAMES P & DAWN L ZAVODSKY
BOX 01224807
SOUIX FALLS, SD 57186

PHILIP A & KATHLEEN M RASMUSSEN
21540 CO HWY M
CABLE, WI 54821

PHILIP C RASMUSSEN
42830 LAKE RIDGE RD
CABLE, WI 54821

MCQUEEN, MATTHEW &
ALPHONSO, MELANIE C
160 W 85TH ST
NEW YORK, NY 10024

RAY A EBERT
W3763 HIDDEN RIVER RD
WEST SALEM, WI 54669

HANS A & LYNN C RASMUSSEN CO-
TRUSTEES
42850 LAKE RIDGE RD
CABLE, WI 54821

SWANSON, PAUL S & JANZEN, DIANE M
4325 RED FOREST RD
MONUMENT, CO 80132

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RECEIVED
JUL 09 2020

**Bayfield County
Impervious Surface Calculations**

Bayfield Co. Zoning Dept.

These calculations are **REQUIRED** per WI Admin Code NR 115.05(1)(e) and Section 13-1-32(g) and 13-1-40(h) of the Bayfield County Code of Ordinances. The undersigned hereby makes application for construction, reconstruction, expansion, replacement or relocation of any impervious surface within 300 feet of the ordinary high water mark and agrees that all activities shall be in accordance with the requirements of the Bayfield County Code of Ordinances and all other applicable ordinances and the laws of the State of Wisconsin.

Pursuant to Chapter 1, Title 13, Section 13-1-106(d) of the Bayfield County Zoning Ordinance(s), Planning and Zoning Department employees assigned to inspect properties shall have access to said properties to make inspections.

Property Owner(s): Ray A Ebert				
Mailing Address: 42860 Lake Ridge Rd Cable, WI 54821		Property Address 42860 Lake Ridge Rd Cable, WI 54821		
Legal Description: _____ 1/4, _____ 1/4, Youngs Assessor's Plat Lot 10		Section, Township, Range Sec <u>21</u> Township <u>43</u> N, Range <u>06</u> W		
Authorized Agent/Contractor self		Gov't Lot	Lot #	CSM#
Vol & Page				
Lot(s) #	Block(s) #	Subdivision		Town of: Namakagon
Parcel ID # (PIN #) 04- 034-2-43-06-21-1-00-321-14000		Tax ID # 25259		Date: 08 JULY 2020

Impervious Surface: An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots and streets unless specifically designed, constructed and maintained to be pervious.

Calculation of Impervious Surface: Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark by the total surface area of that portion of the lot or parcel that is within 300 feet of the ordinary high water mark, and multiplied by 100.

Impervious Surface Standard: Allow up to 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark. A permit can be issued for development that exceeds 15% impervious surface but not more than 30% impervious surfaces with a mitigation plan that meets the requirements of the Bayfield County Ordinance(s).

Existing Impervious Surfaces: For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in Section(s) 13-1-32(g) and Section 13-1-40(h), the property owner may do any of the following:

- a. Maintenance and repair of all impervious surfaces:
- b. Replacement of existing impervious surfaces with similar surfaces within the existing building footprint;
- c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage that existed on the effective date of the county shoreland ordinance, and meets the applicable setback requirements in Section 13-1-32.

000005

Impervious Surface Item
Dimension
Area (Square Footage)

Existing House		1196
Existing Accessory Building/Garage		NA
Existing Sidewalk(s), Patio(s) & Deck(s)		260
Existing Covered Porch(es), Driveway & Other Structures		5636
Proposed Addition/House		624
Proposed Accessory Building/Garage		384
Proposed Sidewalk(s) & Patio(s)		existing
Proposed Covered Porch(es) & Deck(s)		288
Proposed Driveway		existing
Proposed Other Structures		NA
Total:		8388

a. Total square footage of lot: 17908

b. Total impervious surface area: 8388

c. Percentage of impervious surface area: $100 \times (b)/a = 47\%$

If the proposed impervious surface area is greater than 15% mitigation is required.

Total square footage of additional impervious surface allowed: @ 15% _____ @ 30% _____

Issuance Information (County Use Only)	Date of Inspection:
Inspection Record:	Zoning District (R-1) Lakes Classification (1)
Condition(s): Variance Granted 1-28-21 of 47% with Implementation of authorized stormwater Mgmt Plan	Stormwater Management Plan Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Signature of Inspector: <i>[Signature]</i>	Date of Approval: 7/14/21

Variance Request Narrative

Ray Ebert

42860 Lake Ridge Rd, Cable, WI 54682

08 JULY 2020

An area variance of 20 feet (vice 40 feet) from the centerline of Lake Ridge Rd, a private road, is requested to expand the existing structure from weekly rental status to our year-round family residence.

An existing variance (#6401-PLU97 granted 31JULY1997) permitted a reduced setback of 20' but restricted the building to 26'x ~~40'~~^{36'} for a 2BR weekly rental. This variance request would not exceed the existing permitted setback; yet it would allow construction of garage and additional bedroom necessary for year-round family residence.

The existing variance has not negatively impacted/caused problems for emergency services, road maintenance, or traffic flow. The current request would not alter road usage.

The septic system (permit number: 297946) was designed for 3BR home.

Because the property is 190 feet from Lake Namakagon, the site plan includes rain gardens to mitigate rainfall of 2" in 24 hours as suggested by Nathan in the Bayfield County Land Conservation Office.

Regarding adjacent properties, I own the property on both sides of Lake Ridge Rd where the building variance is necessary. According to Assistant Zoning Administrator Tracy Pooler, the road to the south is considered a driveway of convenience (some of which is on my property) and therefore not subject to 40 foot setback. Adjacent property owners are aware of and supportive of the proposed construction plan.

000007

ZONING VARIANCES, APPEALS AND SPECIAL EXCEPTIONS

SPECIAL APPLICATION REQUIREMENTS

ZONING BOARD OF ADJUSTMENT

Zoning variances, appeals and special exceptions are decided by the 5 member Zoning Board of Adjustment (BOA) which functions like a court. The BOA is very limited in its discretion. Decisions must comply with standards provided in state law and the Bayfield County Zoning Ordinance. The BOA's function is not to compromise for a property owner's convenience but to apply appropriate legal standards to specific fact situations.

PROCESS

- 1) APPLICATION AND FEES – Applicant's responsibility. Contact Zoning Department.
- 2) NOTICE TO NEIGHBORS AND PUBLIC – Zoning Department makes notification.
- 3) TOWN REVIEW - Zoning Department notifies Town. Applicant/agent should attend Town meeting.
- 4) PUBLIC HEARING – Applicant/agent must attend.

BURDEN OF PROOF

The burden will be on you, as the property owner, to provide verifiable facts about your property and proposal and to show that you qualify according to the legal criteria described in the following pages. You or your representative must be present at the public hearing where any party may appear in person or be represented by agent or attorney. If these requirements are not met the BOA may deny your request for a variance and your fee will be forfeited.

EVIDENCE IN A PUBLIC RECORD

The BOA may only consider materials and testimony regarding your application which are made part of a public record at the public hearing. This requirement provides fairness, transparency and a basis for judicial review should it be required. Materials presented at hearing will be retained as part of the hearing record.

SITE VISITS

The BOA may choose to visit your project site to gain a better understanding of your proposal. The Zoning Office will contact you to make appropriate arrangements. Generally no discussion is permitted on-site other than to clarify details of boundary location or project design.

COURT REVIEW OF DECISIONS

A BOA decision may be appealed to circuit court by anyone aggrieved by the decision within 30 days of the final decision. An applicant may proceed with construction at his/her own risk within the appeal period. The general standards which courts use to decide appeals of BOA decisions follow. You might consider these points to determine whether any decision you have an interest in is likely to be reversed on appeal.

- Did the BOA decide a matter which it is empowered by statute or ordinance to act on (subject matter jurisdiction)?
- Did the BOA follow proper procedures (e.g. notice, hearing, reviewable record, open meeting law, etc.)?
- Did the BOA apply proper standards in making the decision (e.g. 3 step test for a variance)?
- Was there a rational basis for the decision (could a reasonable person have reached this conclusion)?
- Is there evidence in the record (facts) to support the decision?

000008

LAND USE / BUILDING PERMIT REQUIRED

Should your petition for a variance, special exception or appeal be granted, you must apply for and receive a land use/building permit from the Bayfield County Zoning Department before commencing construction. The permit expires twelve (12) months from the date of issuance unless substantial work has commenced.

VARIANCES

An area variance is a relaxation of a dimensional requirement in a land use regulation (e.g., setback, lot area, height, etc.). A use variance allows land to be used for a purpose that is prohibited by ordinance. **Variations are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden.**

THREE-STEP TEST

To grant a variance, the BOA must determine that your request meets all three criteria of a three-step test. Your application for a variance must demonstrate (attach additional pages as needed):

1) UNNECESSARY HARDSHIP

For an area variance hardship is present where a dimensional requirement unreasonably prevents use of the property for a permitted use or is unnecessarily burdensome given the purposes of the ordinance. For a use variance hardship is present where, in the absence of a variance, no reasonable use can be made of the property. The hardship must be based on conditions unique to your property rather than considerations personal to its owner. An applicant may not claim hardship because of conditions which are self-imposed (for example, splitting a lot to create two substandard lots and then claiming hardship). Courts have determined that loss of profit or financial hardship do not by themselves justify a variance. The BOA will evaluate your arguments in light of the purpose of the zoning restriction at issue.

For an area variance describe how dimensional requirements unreasonably prevent use of your property for a permitted use or are unnecessarily burdensome given the purposes of the ordinance. For a use variance describe how ordinance requirements prevent all reasonable use of the property.

An area variance of 20 feet from centerline of Lake Ridge Road (a private road) is requested to expand existing structure from 2BR weekly rental to year-round family residence. An existing variance issued in 1997 permitted placement of current structure but limited size. This variance request will not exceed setback established in 1997 (due to irregular lot shape) but will allow construction of garage and bedroom.

2) UNIQUE PROPERTY LIMITATIONS

Compliance with ordinance requirements is prevented by unique physical limitations of your property (steep slopes, drainage or waterways, wetlands, soil types, utility and other easements, unusual shape or dimensions of the lot, etc.) which are not generally shared by other properties. If your project or an alternative project design can be constructed at a location on your property which complies with ordinance requirements, it is unlikely you will qualify for a variance. Nearby ordinance violations, prior variances and lack of objections from neighbors do not provide a basis for granting a variance. Personal circumstances of an applicant (growing family, financial difficulties, etc.) are not factors in deciding variances. Minor property limitations which prevent ordinance compliance and are common to a number of properties are properly addressed by a formal ordinance amendment. Issues related to verifiable physical disabilities of occupants can be addressed by permits available through the Bayfield County Zoning Administrator. 000009

List and describe the location of unique physical limitations of your property that prevent compliance with ordinance requirements.

Placement of current structure on the uniquely shaped lot was deemed necessary the 1997 variance. Current variance request will not exceed setbacks established at that time. Because the property is 190' from Lake Namakagon, rain gardens will be implemented to mitigate rainfall per advisement from Bayfield County Land Conservation.

Applicants Check List

The Board of Adjustment wants to be able to visually see the request on paper so they know the physical facts and features of the property

This is going to take additional time and effort, but everything is getting more and more complex and the Board needs much more detail to save time and render informed decisions

Detailed Plot Plans are required. If the application is not complete with items as stated below they **will not be heard until the proper requirements have been fulfilled.**

Requirements:

Maps / Aerial Photos can be obtained @ <https://maps.bayfieldcounty.org/BayfieldWAB/>

Check Here

- ☒ I have attached a **Narrative** stating what is being requested and why (**be specific**).
- ☒ I have attached a **Parcel Map** with all dimensions of my parcel.
- ☒ I have attached a **Zoning District Map**
- ☒ I have attached an **Aerial Photo**
- ☐ • I have attached a **Floodplain map** (if applicable). Elevations are included
- ☐ • I have attached a **Wetland map** (if applicable).
- ☐ • I have shown **North** on **all** maps/photos and plot plans being submitted.
- ☐ • I have shown **all structures** that exists on my property at the time of applying (marked as existing)
- ☐ • I have shown where the **structure / addition** will be placed on the parcel (marked as proposed)
- ☐ • I have shown **ALL dimensions** of each formation individually. (i.e. dimensions of house, dimensions of garage, dimensions of each deck(s), dimension of porch(s), dimensions of addition(s), etc) on plot plan.
- ☐ • I have shown **ALL the setbacks** of my proposed structure (**not** just the setbacks that are being requested—**ALL means setback to N line, S line, E line W line, all roads, right-of-way, lakes, sanitary, well & wetlands,**) on plot plan.
- ☐ • I have shown where my **Holding Tank or Septic Tank, Drain Field, and Well** are placed on the property.
- ☐ • I have filled out **ALL the Description/Measurements** on front of **Yellow Form** and the **back of Application Form** (Land Use 8 1/2 x 14). **Filled out completely (all roads/r-o-w's, all lot line, all sanitary, water, wetlands, floodplain)**
- ☐ I have contacted **Land Conservation** regarding mitigation and storm water management.
- ☐ I have attached the **Mitigation Measures and Implementation of Erosion & Storm Water Measures.**
- ☐ • I have filled out and attached the **Bayfield County Land Use APPLICATION** (8 1/2 x 14)
- ☐ • I have submitted all the **names and addresses** of **Adjoining Property Owners and anyone within 300'**.
- ☐ • **Impervious Surface sheet is filled out and included with packet.** [Sheet can be downloaded from: <https://www.bayfieldcounty.org/204/Apply-For-a-Permit/>]
- ☐ • I have attached the **PINK FORM** with applicants portion filled out (**DO NOT send** to Town Clerk)
- ☐ I have included the **Board Fee** (\$800 for variance) or (\$550 for special exception) (**Payable to Zoning**)
- ☐ I have included **County Fee** (\$??) based on Fair Market Value (what it's worth) (**Payable to Zoning**)
- ☐ I have included **Affidavit Fee** (\$30) -- **Check should made out to: Bayfield County Reg. of Deeds.**
- ☒ • I have attached my **Recorded Deed (Warranty/Quit Claim)** and my **Most Recent Tax Statement.**
- ☐ • I have signed the **Yellow Form** (Board of Adjustment Application)
- ☐ • I have signed the **Bayfield County Application** (Land Use Application)

000011

Turn Over for 2nd page!

History of Property

1) Is there a certified survey of property on file? {They are recorded at the Register of Deeds Office}

a. ☒ Yes--please include a copy with the application

b. ☐ No

c. ☐ Inspector has required one be done prior to applying _____

2) Has there been previous addition / alterations to structure?

a. ☒ Yes When? 1997 Dec K Permit # Non Permitted

Permit # _____

Permit # _____ →

b. ☐ No _____

c. ☐ _____

3) Existing structure(s)?

a. When was Existing Structure built? 1997

b. Was Existing Structure permitted? House 26x36 Permit # 6401

c. What are dimensions of Existing Structures:

Residence 26 X 36 ; Garage X ; Deck 10 X 26 ; Deck 2 X

Deck 3 X ; Deck 4 X ; Porch X ; Porch 2 X

d. How Many Stories is Existing Structure 2 Overall Height 22

4) Sanitary Info:

a. Type of system on property? septic Permit # 297946

5) List any Previous Owners of the property?

(1) Phil & Anne Young (2) Ed & Annmarie Ebert (3) _____

(4) _____ (5) _____ (6) _____

6) Shoreland Property

a. ☒ Impervious Surface sheet is filled out and included with packet.

☒ All Setbacks are shown on plot plan INCLUDING Existing Structure(s). (Lot lines, roads, lake, wetlands, sanitary, drainfield, well, other structures, etc.)

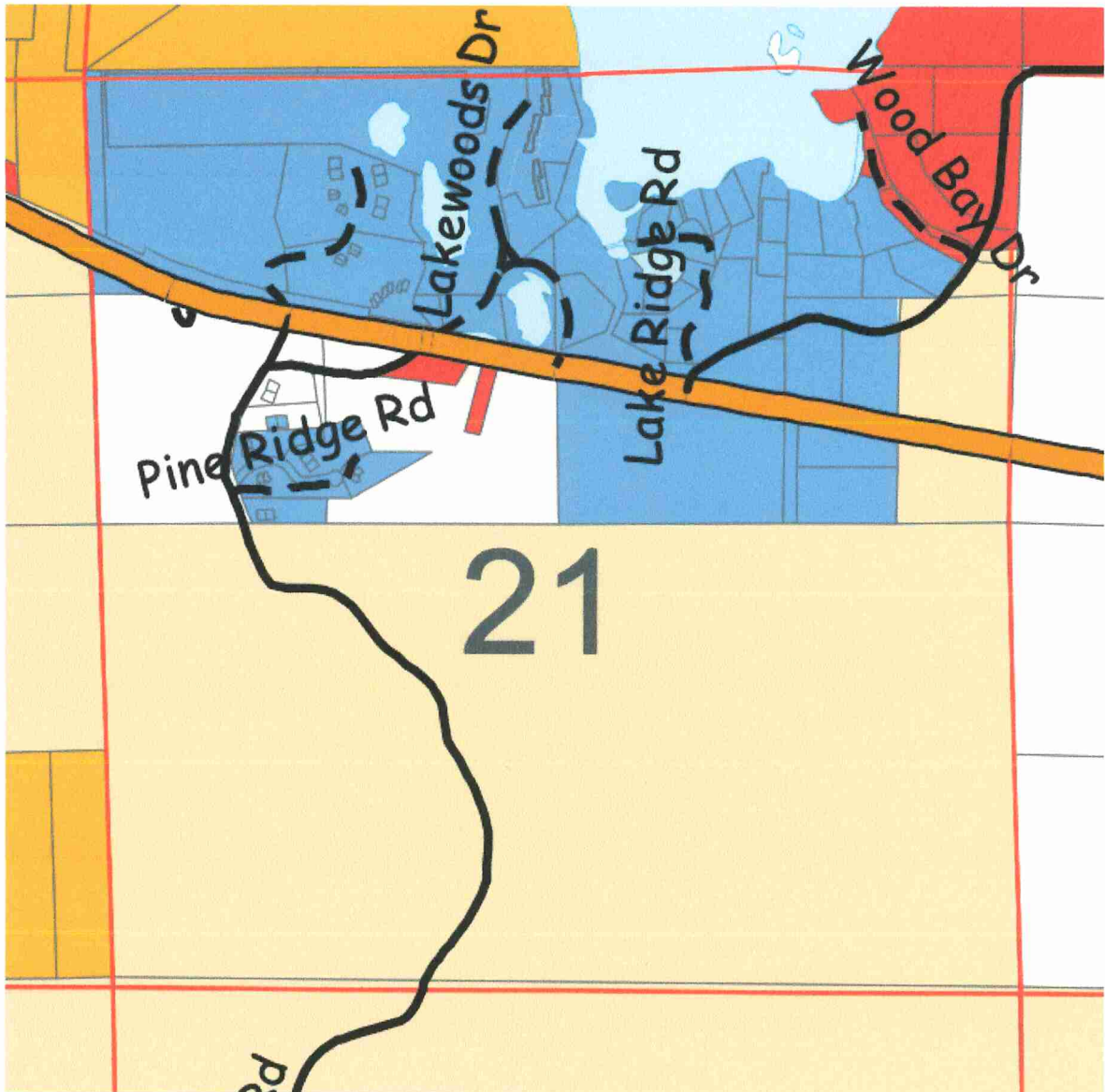
I (we) declare that this application (including any accompanying requirements) has been examined by me (us) and to the best of my (our) knowledge is correct and complete. I (we) acknowledge that I (we) am (are) responsible for the detail and accuracy of all information I (we) am (are) providing and that it will be relied upon by Bayfield County in determining whether this application is complete enough to be placed on the next available meeting notice. I (we) further accept liability which may be a result of Bayfield County having to remove my (our) application due to incompleteness. I (we) consent to county officials charged with administering county policies to have access to removing my (our) application until all requirements have been fulfilled.

Owner or Authorized Agent (Signature) _____

000012

Zoning District 21 Town of Namakagon

N
78



Roads

- Federal Highway
- State Highway
- County Road
- Town Road
- Private Road

Other Symbols

- MCD Boundary
- Section Lines
- Parcels
- 16000 Address Grid
- ~ Streams
- ~ Lakes

County Zoning Districts

- (R1) - Residential - 1
- (R2) - Residential - 2
- (R3) - Residential - 3
- (R4) - Residential - 4
- (C) - Commercial
- (I) - Industrial
- (M) - Municipal
- (F1) - Forestry - 1
- (F2) - Forestry - 2
- (A1) - Agricultural - 1
- (A2) - Agricultural - 2
- (W) - Conservancy
- (R-RB) - Residential - Recreational Business

000013

YOUNGS ASSESSORS PLAT IN GOV'T. LOT 2, SECTION 21, T. 43 N., R. 6 W. TOWN OF NAMEKAGON, DAYFIELD COUNTY, WISCONSIN

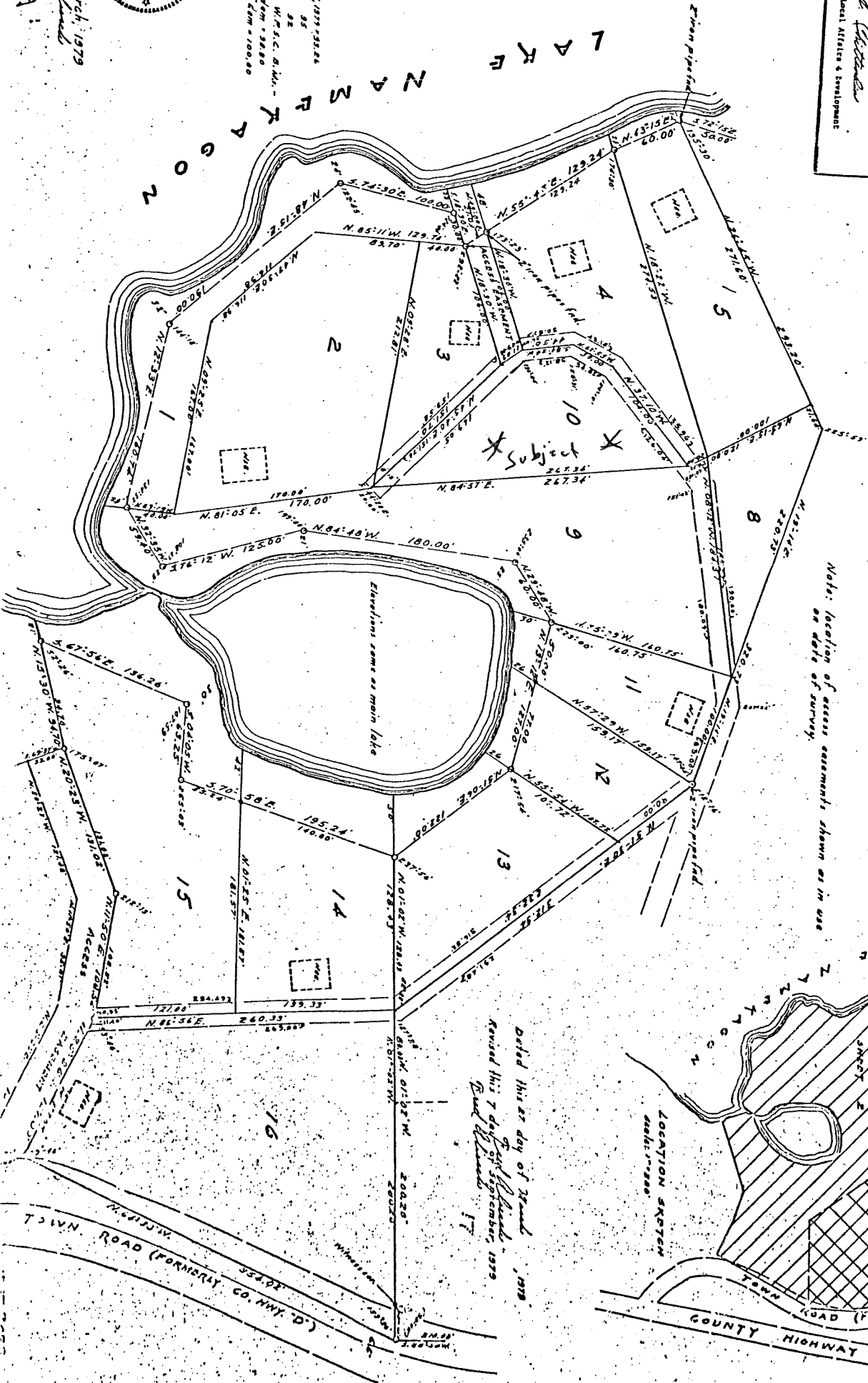
There are no objections to this assessor's plat with respect to applicable provisions of Secs. 234.13 and 234.23 WIS. STAT.
Certified this 14th day of October, 1979.
Robert J. Pritzner
Department of Local Affairs & Development

Plat No. 00004A
NUMBER OF COPIES 15
Rec'd OCT 15 1979

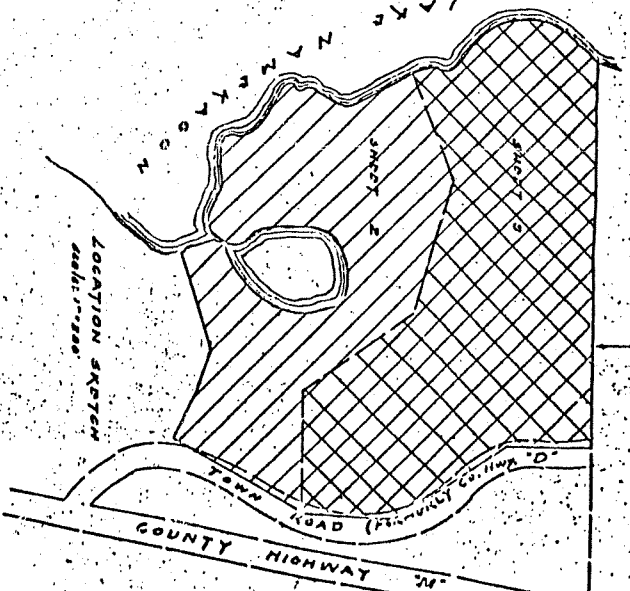


Water surface elev. August 9, 1979 = 328.22
High water elev. (assumed) 32
Low water elev. (assumed) 32
Elevations are referred to W.P.S.C. datum.
Datum = 1985.00 on N.W. corner of lot 1 = 328.00
D.M. 1985.00 - 1985.00 = 0.00

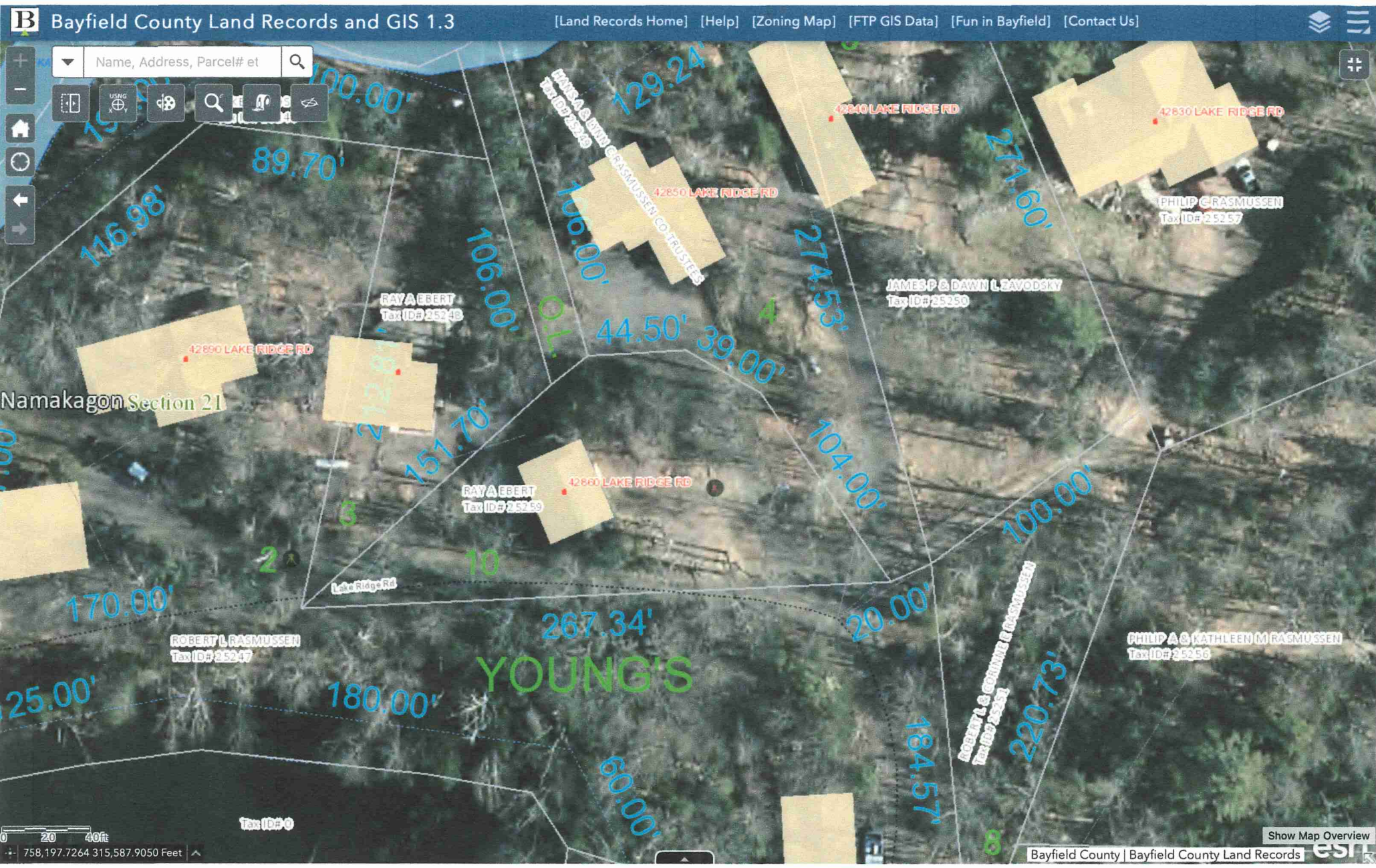
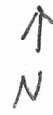
L A R F
N A M E K A G O N



Note: location of access easements shown as in use on date of survey.



Dated this day of March, 1979
Revised this 7 day of September, 1979
Paul Williams



000015

Ebert Flood Map

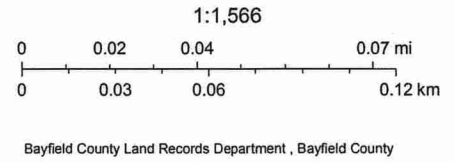


7/9/2020, 12:01:32 PM

- Nonmetallic Mine
- Wetlands
- Rivers
- Approximate Parcel Boundary
- Road Type
 - Federal
 - State

- County
- Town
- CFR
- Private
- Lake Superior Shoreline Recession Segments
 - Approximate average annual rate of bluff recession in this reach of shoreline is 0.3 feet.
 - Approximate average annual rate of bluff recession in this reach of shoreline is 0.3 feet.

- The average annual rate of bluff recession in this reach of shoreline is approximately 0.1 feet.
- The average annual rate of bluff recession in this reach of shoreline is approximately 0.1feet.
- The average annual rate of bluff recession in this reach of shoreline is approximately 0.2 feet.
- The average annual rate of bluff recession in this reach of shoreline is approximately 0.3 feet.
- The average annual rate of bluff recession in this reach of shoreline is approximately 0.5 feet.
- The average annual rate of bluff recession in this reach of shoreline is approximately 1.0 feet.



Zoning - RRB



000017

BOARD OF ADJUSTMENT
APRIL 25, 1991
9:00 A.M.
COURTHOUSE
WASHBURN, WISCONSIN

The Board of Adjustment will be called on to make an interpretation of the Zoning District map for the Town of Namakagon concerning the Ray Ebert property located in Government Lots 6 and 10 of Section 10, Township 43 North, Range 6 West, Town of Namakagon.

Interpretation: Motion by George Phillips, seconded by Arlene Helenius that proper zoning should be R-RB on both sides of road. Motion carried.

The Board of Adjustment, by unanimous vote, has determined that the Zoning District map for the Town of Namakagon was in error and should be amended to reflect that the Ray Ebert property described in Volume 478, Page 275 of the Register of Deeds Office should in its entirety be placed in a Residential-Recreational Business zoning district. The official Namakagon zoning district map was amended to reflect this correction.

The vote was as follows:

Strub ----- Yes
Jenicek ----- Yes
Phillips ----- Yes
Rasmussen ----- Yes
Helenius ----- Yes



BAYFIELD COUNTY ZONING DEPARTMENT

Telephone (715) 373-6138
(715) 373-6139

Bayfield County Courthouse
Post Office Box 58
117 East Sixth Street
WASHBURN, WISCONSIN 54891

To Whom It May Concern:

You will find attached a Public Hearing Notice for the upcoming Board of Adjustment meeting. This notice includes information regarding a Board of Adjustment application submitted by Ray A. Ebert. A copy of this notice is sent to abutting property owners and other interested parties. This matter will be addressed by the Bayfield County Board of Adjustment at their meeting slated to be held at 9:00 a.m. on July 31, 1997 in the County Board Room of the Bayfield County Courthouse, Washburn, Wisconsin. If you wish to comment on this matter, you are invited to attend the said hearing to be heard. If you desire additional information, please contact the Zoning Department.

Sincerely,

Bayfield County Zoning Department

7-14-97

000022

**BOARD OF ADJUSTMENT PUBLIC HEARING
JULY 31, 1997 AT 9:00 A.M.
COUNTY BOARD ROOM, BAYFIELD COUNTY COURTHOUSE
WASHBURN, WISCONSIN**

Notice is hereby given that a public hearing will be held on July 31, 1997 at 9:00 a.m. in the County Board Room of the Bayfield County Courthouse, Washburn, Wisconsin relative to the following items:

Ray Ebert is seeking a variance from the terms of Section 17.07(2)(b) of the Bayfield County Zoning Ordinance. This section requires that structures be setback at least 40' from the centerline of private roads. Mr. Ebert is seeking to build a new residence 20' from the centerline of a private road. Mr. Ebert's property is Lot 10 of Young's Assessor Plat, located in Government Lot 2, Section 21, Township 43 North, Range 6 West, Town of Namakagon.

Thomas Gemuenden is seeking a variance from the terms of Section 17.07 (2) of the Bayfield County Zoning Ordinance. This section requires that structures be setback at least 75' from the centerline of county roads. Mr. Gemuenden is seeking to build an attached garage 36' from the centerline of County Highway D. Mr. Gemuenden's property is Lot 2, Block 10, Plat of Gottland Resort, located in Section 11, Township 43 North, Range 6 West, Town of Namakagon.

Harold Jewett is seeking a variance from the terms of Sections 17.07(2) and 17.20 of the Bayfield County Zoning Ordinance. Section 17.07(2) requires that structures be setback at least 63' from the centerline of town roads. Section 17.20 requires that structures in a Residential-1 zone be setback at least 10' from side and rear lot lines. Mr. Jewett seeks to build a garage 25' from the centerline of a town road, and 3' from a side lot line. Mr. Jewett's property is Lot 6, Block 3, Plat of Gottland Resort, located in Section 11, Township 43 North, Range 6 West, Town of Namakagon.

The Board of Adjustment agenda shall be as follows:

- 9:00 a.m. Call to Order.
- 9:00- 9:15 a.m. Review of materials contained in files of the above cases.
- 9:15 a.m. Acceptance of oral or written testimony from interested parties.

STEPHEN W. COLLINS, CHAIRMAN, BAYFIELD COUNTY BOARD OF ADJUSTMENT



APPLICATION FOR PERMIT

BAYFIELD COUNTY, WISCONSIN

Courthouse Annex
P.O. Box 58
117 East Sixth St.
Washburn, WI 54891

Application No. 0401

Date _____

Zoning District _____

☒ LAND USE ☐ SANITARY ☐ CONDITIONAL ☒ SPECIAL
B.O.A.

Lot 10 young's Assessor's plat
Land: 1/4 of 1/4 of Sec. 21 T. 43 N. R. 6 W. Town of NAMAKAGON

Volume _____ Page _____ of Deeds.

Name RAY EBERT

Fire Number _____

Contractor NAMAKAGON Company

Address W 3763 Hidden River Rd

Plumber Rasmussen & Son

Telephone 608 786-1046 W. Salem, WI 54669

Well Driller _____

Structure — New ☒ Addition _____

Number of Stories 2

Basement — Yes ☒ No _____

Square Feet of Floor Space 1st Floor 936 2nd Floor 364

Estimated Cost of Construction 45,000

Structure Use Residence (2) bedroom KLL

(Residence, Garage, Storage, Drugstore, Tavern, Etc.)

Sanitary — Septic Tank & Disposal Field ☒ Privy _____ Holding Tank _____

Remarks: _____

Fee: \$ _____

Amount Paid: \$ 50.00 ck 4309
10/8/97

I, the undersigned, attest that the information contained herein is accurate and true.

Owner (or Agent) _____

Address (if different from above) _____

APPLICANT -- PLEASE COMPLETE REVERSE SIDE

Note:

Submit completed application and fee to: Zoning Department, Courthouse, Washburn, WI 54891. Do not start construction until all permits have been received by the applicant. Changes in plans must be approved by the Zoning Department. A permit may be revoked if misrepresentation of any of the information conveyed herewith is found to exist. Zoning Department: (715) 373-6138 or 373-6139.

— OFFICE USE ONLY —

000024

Permit issued: _____

State Sanitary Number _____

Date 10/08/97

Permit Number 0401

Permit Denied (Date) _____

Reason for Denial: _____

Inspection Record: STREET SETBACK OK TO ISSUE

By K.L.K.

Date 9/29/97

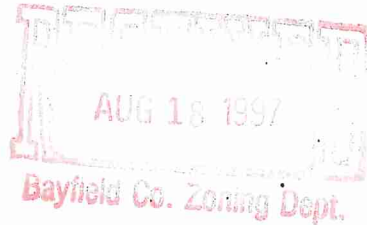
Variance _____

Condition 2 BEDROOM (SEE TBA)

Signed _____

Inspector

*This TBA was
revised on 8-25-97
done sent it!*



TO: BAYFIELD COUNTY ZONING COMMITTEE
FROM: Namakagon TOWN BOARD
SUBJECT: TOWN BOARD RECOMMENDATION

We, the Town Board, Town of Namakagon, do hereby
recommend the ☒ approval ☐ disapproval of the issuance of a permit
(check one)
to Ray Ebert whose property is located in the
(Name of applicant)
lat 10 1/4 of the Young 1/4, Section 21, Township 43 North,
Amber Plot
Range 6 West.

To _____

(State what applicant is requesting)

Because _____

(State reason for recommendation of approval or disapproval)

Signed,

_____ Town Board

Chairman _____

Supervisor _____

Supervisor _____

Clerk Annelle Thane

Dated: Aug. 12, 1997

(Note: When Town Board has completed this form, please mail to:

BAYFIELD COUNTY ZONING DEPT.
P.O. BOX 58
WASHBURN, WI 54891

000025



TO: BAYFIELD COUNTY ZONING COMMITTEE
FROM: Namakagon TOWN BOARD
SUBJECT: TOWN BOARD RECOMMENDATION

We, the Town Board, Town of Namakagon, do hereby
recommend the () approval ☒ disapproval of the issuance of a permit
(check one)
to Ray Ebert whose property is located in the
lat 10 (Name of applicant)
young 1/4 of the 1/4, Section 21, Township 43 North,
Quinn's Plot
Range 6 West.

To _____

(State what applicant is requesting)

Because Town board disapprove, will talk to Mr. Ebert further on
his request

(State reason for recommendation of approval or disapproval)

Signed,

Town Board

Chairman _____

Supervisor _____

Supervisor _____

Clerk Michelle Thane

Dated: Aug 12, 1997

(Note: When Town Board has completed this form, please mail to:

BAYFIELD COUNTY ZONING DEPT.
P.O. BOX 58
WASHBURN, WI 54891

000026

EBERT



TO: BAYFIELD COUNTY ZONING COMMITTEE

FROM: NAMAKAGON TOWN BOARD

SUBJECT: TOWN BOARD RECOMMENDATION

We, the Town Board, Town of NAMAKAGON, do hereby
recommend the ☒ approval ☐ disapproval of the issuance of a permit
(check one)
to Ray Ebert whose property is located in the
Govt. Lot 2 (Name of applicant)
NW 1/4 of the NE 1/4, Section 21, Township 43 North,
Range 6 West. Approve 20' centerline setback from private drive. (must meet
all other setbacks. Approve construction of single family residence being no more than
To 26' x 36' with no more than two sleeping rooms with basement area for garage, mechanical
room, etc. Must remove present residence and garage.
(State what applicant is requesting)

Because residence built on Lots 3 & 10 is a duplex. See application # 8529

dated July 1989

(State reason for recommendation of approval or disapproval)

Signed,

Namakagon Town Board

Chairman

R J Rasmussen

Supervisor

Vernon Linder

Supervisor

Arthur Schultz

Clerk

Joe Eckstave

Dated: Sept 23, 1997

(Note: When Town Board has completed this form, please mail to:

BAYFIELD COUNTY ZONING DEPT.
P.O. BOX 58
WASHBURN, WI 54891

000027



BAYFIELD COUNTY ZONING DEPARTMENT

Telephone (715) 373-6138
(715) 373-6139

791

Bayfield County Courthouse
Post Office Box 58
117 East Sixth Street
WASHBURN, WISCONSIN

JUL 07 1997

APPLICATION FOR BOARD OF ADJUSTMENT

The undersigned hereby petitions a Public Hearing before the Bayfield County Board of Adjustment:

Date Filed 7-7-97

Fee Paid 100.00

pd do 7-7-97

Name RAY A. EBERT

Telephone (608) 786-1046

Address W3763 Hidden River Rd
West Salem WI 54669
(City) (State) (Zip)

Purpose of Hearing

[] Interpretation of Section _____ of the _____ Ordinance
or _____ Map.

[] Appeal of a decision rendered by _____ on _____
(Date)

[X] Appeal for a variance from the terms of Section 17.07 ⁽²⁾ of the
Zoning Ordinance.

The description of the property involved in this appeal is as follows:

Location: _____, _____, Section 21, T 43 N, R 6 W.

Town of NAMAKAGON, Lot 10, Block _____

Subdivision Young's Accession Plat

Lot Size: _____ Present Use: _____

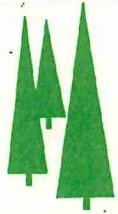
Zoning District: R-1 000028

Present Improvements upon land: \$ Cabin

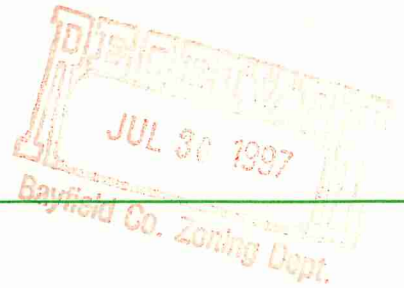
Proposed Use: New Residence (To Replace Cabin)

Specify the reason for this petition (Attach separate sheet, if necessary):

Can not meet 40' setback from easement, due
to buildable area. ASKING FOR REDUCED SETBACK



Lakewoods RESORT & GOLF



July 28, 1997

Bayfield County Zoning
Washburn, WI

In reference to Ray Eberts request to remove a cottage and a garage and replace it with a new cottage. I believe it can only enhance the property by removing two very dilapidated building and replace it with a well designed and landscaped cabin. It will greatly improve the parking and aesthetics of the area.

If you have any questions regarding this, please contact me.

Sincerely:

Philip & Kathy Rasmussen

Philip & Kathy Rasmussen
Lakewoods

000031

Firway Inc.

HC 73 Box 713 ♦ CABLE, WI 54821



July 25, 1997

Bayfield County Board of Adjustment
Bayfield Co. Courthouse
PO Box 58
117 E. Sixth St.
Washburn, WI 54891

Sirs;

As Owners of Lots 11 and 12 in Young's Assessors plat (GL 2, S 21, T 43N, R6W) in the Town of Namakagon, We would like to express our opposition to the granting of Mr. Ebert's application for variance. Our reasons for opposition are as follows;

1. Construction of another rental unit in this subdivision will add even more traffic to an existing problem area. The road serving this subdivision is only aprox. 12 ft. wide, and all traffic has to pass through our land.

2. Construction of a building in the location proposed by Mr. Ebert will create a parking problem on the right of way, the tenants of Mr. Ebert's existing duplex already are parking in the right of way. There will not be enough room for adequate parking without further blocking the drive.

3. A building in this location will severely restrict use of our deeded access to Lake Namakagon, which is located directly across from the proposed site.

Sincerely,

Roger Popelka, President
Firway Inc.

A handwritten signature in cursive script that reads 'Roger Popelka'.

000032

D E C I S I O N

BOARD OF ADJUSTMENT PUBLIC HEARING

JULY 31, 1997

ITEM A: Ray Ebert is seeking a variance from the terms of Section 17.07(2)(b) of the Bayfield County Zoning Ordinance..

Move made by Myron Knapp, and Second by Richard Mihalek to approve the request with the condition the construction be 26' by up to 36' residence over a tuck under garage, and be a single family rental dwelling, with a favorable recommendation from the Town Board of the Town of Namakagon.

A vote of 4 Yes, 0 No, 1 Abstain, Dennis Rasmussen.

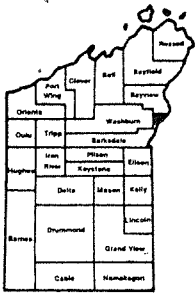
Rational: Removes two substandard buildings replacing with one approved building with a greater setback from town road, and does not increase congestion in the area.

ITEM B: Thomas Gemuenden is seeking a variance from the terms of Section 17.07(2) of the Bayfield County Zoning Ordinance.

Moved by Hazel Maki, Second by Dennis Rasmussen, to approve the building of an attached garage 30' from the centerline of County Road D, replacing existing garage which is setback at 24' from County Road D.

Approved on the vote of 5 Yes, 0 No.

000033



BAYFIELD COUNTY ZONING DEPARTMENT

Telephone (715) 373-6138
(715) 373-6139

Bayfield County Courthouse
Post Office Box 58
117 East Sixth Street
WASHBURN, WISCONSIN 54891

August 1, 1997

Ray A. Ebert
W3763 Hidden River Rd.
West Salem, WI 54669

Dear Mr. Ebert:

As you know, the Bayfield County Board of Adjustment conducted a public hearing on July 31, 1997 and considered your request for a variance from the terms of Section 17.07(2)(b) of the Bayfield County Zoning Ordinance. This section requires that structures be setback at least 40' from the centerline of private roads. You seek to build a new residence 20' from the centerline of a private road. Your property is Lot 10 of Young's Assessor Plat, located in Government Lot 2, Section 21, Township 43 North, Range 6 West, Town of Namakagon.

You and Robert Rasmussen testified during the public hearing, and correspondence from Roger Popelka, Hans and Lynn Rasmussen, and Philip and Kathy Rasmussen were noted.

After considering the testimony and information in the file on this matter, the Board Members voted to approve the requested variance with the conditions that the residence be 26 ft. by up to 36 ft., a single family rental dwelling only, and subject to a favorable recommendation of the Town Board of Namakagon. A copy of the Board's decision is enclosed.

When Town Board of Namakagon recommended approval has been received, the conditioned variance will vest. As you probably know, land use and sanitary permits will still be necessary for this new residence.

Please let me or AZA Kastrosky know if you have any questions or if we may provide any assistance.

Because there was opposition to your request, please also note that any aggrieved party may challenge the Board of Adjustment's variance by filing a writ of certiorari in the Bayfield County Circuit Court within 30 days of the date of this July 31, 1997 decision. If such a timely writ is filed, it may be accompanied with a requested injunction to stay the effect of the variance until the litigation is resolved.

Thank you very much for your cooperation.

000034

Page 2
Ray Ebert

Sincerely,

A handwritten signature in black ink, appearing to read 'R. A. Spotts', with a long horizontal line extending to the right.

Richard A. Spotts
Zoning Administrator

cc: Robert L. Rasmussen, Chairman
Ione E. De Grave, Clerk
Roger Popelka
Hans & Lynn Rasmussen
Philip & Kathy Rasmussen

enc: BOA 7/31/97 Decision

000035

**PRIVATE SEWAGE SYSTEM
INSPECTION REPORT
(ATTACH TO PERMIT)**

County: <u>Bayfield</u>
Sanitary Permit No.: <u>297946</u>
State Plan ID No.:
Parcel Tax No.:

GENERAL INFORMATION

Permit Holder's Name: <u>Ebert, Ray</u>	<input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Town of: <u>Namakagon</u>	
CST BM Elev.: <u>100'</u>	Insp. BM Elev.: <u>100'</u>	BM Description: <u>COPPER PIPE @ BASE OF FIRE SIGN.</u>

TANK INFORMATION

TYPE	MANUFACTURER	CAPACITY
Septic	<u>Rasmussen</u>	<u>1000</u>
Dosing		
Aeration		
Holding		

ELEVATION DATA

STATION	BS	HI	FS	ELEV.
Benchmark				<u>104.00</u>
Bldg. Sewer				
St/Ht Inlet			<u>6.72</u>	<u>97.28</u>
St/Ht Outlet			<u>6.86</u>	<u>97.14</u>
Dt Inlet				
Dt Bottom				
Header / Man.			<u>7.30</u>	<u>96.70</u>
Dist. Pipe			<u>7.38</u>	<u>96.68</u>
Bot. System			<u>8.18</u>	<u>95.82</u>
Final Grade				

TANK SETBACK INFORMATION

TANK TO	P / L	WELL	BLDG.	Vent to Air Intake	ROAD
Septic	<u>> 2</u>	<u>> 25</u>	<u>> 5</u>		NA
Dosing					NA
Aeration					NA
Holding					

PUMP / SIPHON INFORMATION

Manufacturer	Demand				
Model Number	GPM				
TDH	Lift	Friction Loss	System Head	TDH	Ft
Forcemain	Length	Dia.	Dist. To Well		

SOIL ABSORPTION SYSTEM

BED / TRENCH DIMENSIONS	Width: <u>18</u>	Length: <u>36</u>	No. Of Trenches	PIT DIMENSIONS	No. Of Pits	Inside Dia.	Liquid Depth
SETBACK INFORMATION	SYSTEM TO	P / L	BLDG	WELL	LAKE / STREAM	LEACHING CHAMBER OR UNIT	Manufacturer:
	Type Of System: <u>CONJ</u>	<u>> 5</u>	<u>5/5</u>	<u>> 50</u>	<u>> 50</u>		Model Number:

DISTRIBUTION SYSTEM

Header / Manifold	Distribution Pipe(s)	x Hole Size	x Hole Spacing	Vent To Air Intake
Length _____ Dia. _____	Length _____ Dia. _____ Spacing _____			

SOIL COVER

x Pressure Systems Only

xx Mound Or At-Grade Systems Only

Depth Over Bed / Trench Center	Depth Over Bed / Trench Edges	xx Depth Of Topsoil	xx Seeded / Sodded <input type="checkbox"/> Yes <input type="checkbox"/> No	xx Mulched <input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------------	-------------------------------	---------------------	--	--

COMMENTS: (Include code discrepancies, persons present, etc.)

* UNUSUAL

000036

GARY FRANKSON, Ray VISORLEY, Ray EBERT, DONR HISSON
ON SITE

Plan revision required? ☐ Yes ☒ No
Use other side for additional information.

12 8/9 97

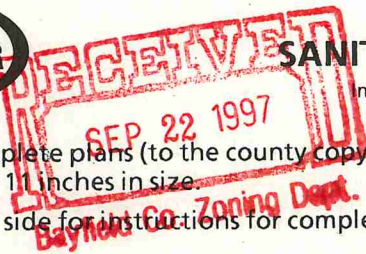
Date

[Signature]

Inspector's Signature

6619

Cert. No.



SANITARY PERMIT APPLICATION

In accord with ILHR 83.05, Wis. Adm. Code

Safety and Buildings Division
Bureau of Building Water Systems
201 E. Washington Ave.
P.O. Box 7969
Madison, WI 53707-7969

- Attach complete plans (to the county copy only) for the system, on paper not less than 8 1/2 x 11 inches in size.
- See reverse side for instructions for completing this application

The information you provide may be used by other government agency programs
[Privacy Law, s. 15.04 (1) (m)].

County	Bayfield
State Sanitary Permit Number	297946
<input type="checkbox"/> Check if revision to previous application	
State Plan I.D. Number	

I. APPLICATION INFORMATION - PLEASE PRINT ALL INFORMATION

Property Owner Name Ray Ebert			Property Location 1/4 1/4, S 21 T 43, N, R 6 W		
Property Owner's Mailing Address W3763 Hidden River Rd.			Lot Number G.L. 2 Lot 10		Block Number
City, State West Salem, WI	Zip Code 54669	Phone Number (608) 786-1046	Subdivision Name or CSM Number Younes Ass. Plat		
II. TYPE OF BUILDING: (check one) <input type="checkbox"/> State Owned			<input type="checkbox"/> City		Nearest Road
<input type="checkbox"/> Public <input checked="" type="checkbox"/> 1 or 2 Family Dwelling - No. of bedrooms 3			<input type="checkbox"/> Village		Garmisch Rd.
			<input checked="" type="checkbox"/> Town OF Namakagon		
III. BUILDING USE: (If building type is public, check all that apply)			Parcel Tax Number(s)		

- | | | |
|--|--|---|
| 1 <input type="checkbox"/> Apartment / Condo | 6 <input type="checkbox"/> Medical Facility / Nursing Home | 10 <input type="checkbox"/> Outdoor Recreational Facility |
| 2 <input type="checkbox"/> Assembly Hall | 7 <input type="checkbox"/> Merchandise: Sales / Repairs | 11 <input type="checkbox"/> Restaurant / Bar / Dining |
| 3 <input type="checkbox"/> Campground | 8 <input type="checkbox"/> Mobile Home Park | 12 <input type="checkbox"/> Service Station / Car Wash |
| 4 <input type="checkbox"/> Church / School | 9 <input type="checkbox"/> Office / Factory | 13 <input type="checkbox"/> Other: specify |
| 5 <input type="checkbox"/> Hotel / Motel | | |

IV. TYPE OF PERMIT: (Check only one box on line A. Check box on line B, if applicable)

- A) 1. ☒ New System 2. ☒ Replacement System 3. ☐ Replacement of Tank Only 4. ☐ Reconnection of Existing System 5. ☐ Repair of an Existing System
- B) ☐ A Sanitary Permit was previously issued. Permit Number _____ Date Issued _____

V. TYPE OF SYSTEM: (Check only one)

- | | | | |
|--|--|--|--|
| Non-Pressurized Distribution | Pressurized Distribution | Experimental | Other |
| 11 <input checked="" type="checkbox"/> Seepage Bed | 21 <input type="checkbox"/> Mound | 30 <input type="checkbox"/> Specify Type | 41 <input type="checkbox"/> Holding Tank |
| 12 <input type="checkbox"/> Seepage Trench | 22 <input type="checkbox"/> In-Ground Pressure | | 42 <input type="checkbox"/> Pit Privy |
| 13 <input type="checkbox"/> Seepage Pit | | | 43 <input type="checkbox"/> Vault Privy |
| 14 <input type="checkbox"/> System-In-Fill | | | |

VI. ABSORPTION SYSTEM INFORMATION:

1. Gallons Per Day 450	2. Absorp. Area Required (sq. ft.) 643	3. Absorp. Area Proposed (sq. ft.) 648	4. Loading Rate (Gals/day/sq. ft.) .7	5. Perc. Rate (Min./inch) -	6. System Elev. 95.87 Feet	7. Final Grade Elevation 100.19 Feet
---------------------------	---	---	--	--------------------------------	-------------------------------	---

VII. TANK INFORMATION	Capacity in gallons		Total Gallons	# of Tanks	Manufacturer's Name	Prefab. Concrete	Site Constructed	Steel	Fiber-glass	Plastic	Exper. App.
	New Tanks	Existing Tanks									
Septic Tank or Holding Tank	1000		1000	1	Rasmussen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lift Pump Tank / Siphon Chamber						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. RESPONSIBILITY STATEMENT

I, the undersigned, assume responsibility for installation of the onsite sewage system shown on the attached plans.

Plumber's Name: (Print) A. Rasmussen & Sons	Plumber's Signature: (No Stamps) [Signature]	MP/MPSW No.: 3938	Business Phone Number: (715) 798-3355
Plumber's Address (Street, City, State, Zip Code) P.O. Box 66 Cable, WI 54821			

IX. COUNTY / DEPARTMENT USE ONLY

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Sanitary Permit Fee (Includes Groundwater Surcharge Fee) bid 9-24-97 da	Date Issued 10-9-97	Issuing Agent Signature (No Stamps) [Signature] 9-29-97
<input type="checkbox"/> Owner Given Initial Adverse Determination				

X. CONDITIONS OF APPROVAL / REASONS FOR DISAPPROVAL:

000037

Tommy G. Thompson, Governor
William J. McCoshen, Secretary

August 12, 1997



RASMUSSEN & SONS
DENNIS
PO BOX 66
CABLE WI 54821

RE: PLAN S97-20701
EBERT, RAY
GL2,21,43,6W
TOWN OF NAMEKAGON
PETITION FOR VARIANCE TO CODE SECTION(S): Comm 83.09(3)(a).

FEE RECEIVED: 100.00
COUNTY OF BAYFIELD
83.10(1).

The Department has reviewed the above-referenced submittal.

All of the statements and supporting documentation included with the petition were considered. Since your request is similar to other petitions approved by the Department (e.g. S92-40973; S93-40575), the petition is conditionally approved.

The conditions are:

1. The system must be installed no closer than 16 feet from the crown of any slope that is greater than 20%.
2. There shall be a minimum of 20 feet of unexcavated soil between the soil absorption bed and the below grade foundation of the proposed dwelling.
3. The plans for this project, along with a copy of this approval letter are to be submitted to Bayfield County for plan review and approval.

This petition approval is granted conditionally with the understanding that all of the petitioner's statements included on the variance application form and any other documents submitted to the Department will be carried out. This variance is specific to the subject petition and cannot be used for any additional modifications.

The petitioner has requested to install a conventional replacement soil absorption system that will be 16 feet from the crown of a slope greater than 20%, and 20 feet away from the below grade foundation of a dwelling.

000038

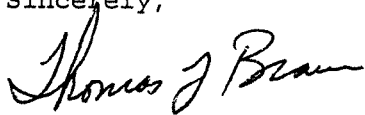
August 12, 1997

RASMUSSEN & SONS
DENNIS
PO BOX 66
CABLE WI 54821

All permits required by the city, village, township or county shall be obtained prior to installation.

Inquiries should be directed to me at the number listed below. Please refer to the plan number shown above.

Sincerely,



Thomas L. Braun
Plan Reviewer
(715) 634-3026 7:00 - 4:30
5063L/ 1
cc: BAYFIELD
Carl Lippert

000039

RAYBERT
 N 3763 Hidden River Rd
 West Salem, WI 54669
 DB-786-1046

Govt Lot 2 Lot 10 Youngs Ass. Plat
 S21T43 R6 W
 Town of Namekagon, Bayfield Co.

BM = 100' COPPER PIPE AT BASE OF FIRE SIGN 320-56

B1 = 100.19'
 B2 = 100.44'
 B3 = 99.37'

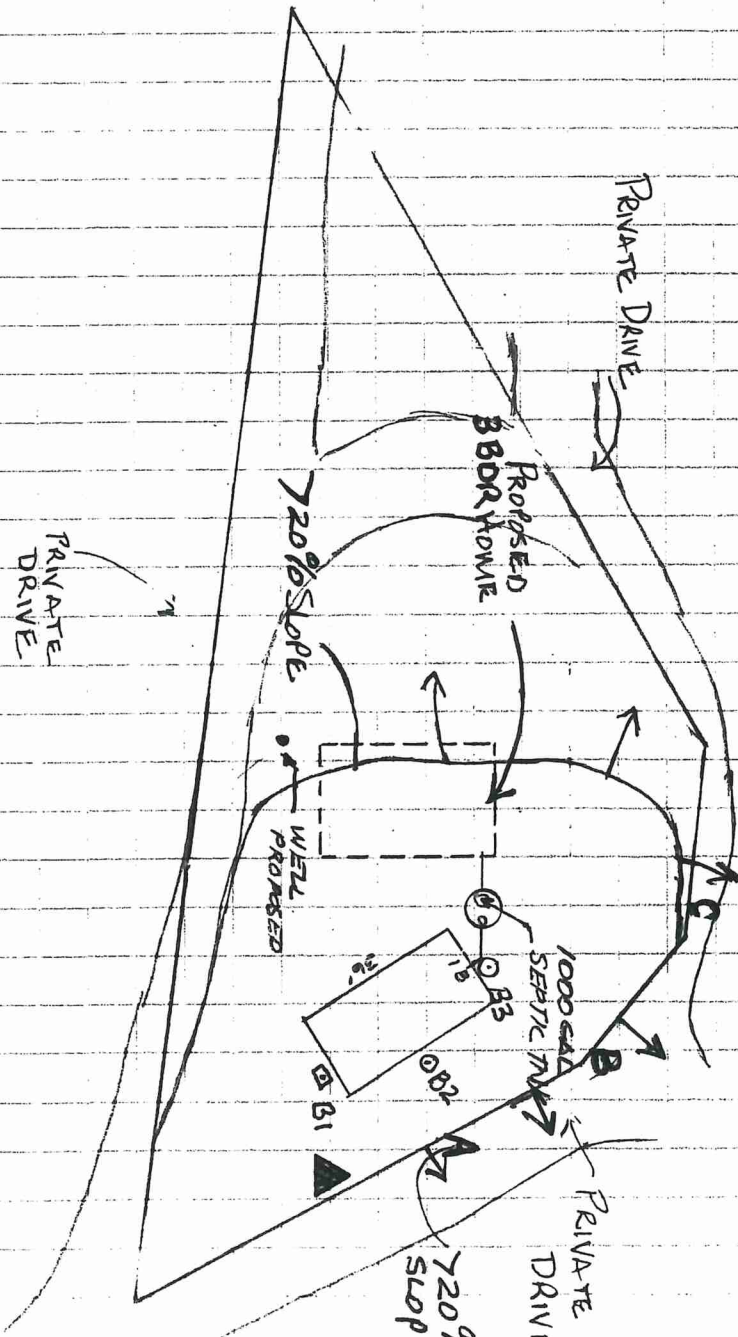
SYSTEM ELEV. = 95.87'
 ALT. SYSTEM = HOLDING TANK

ELEVATIONS OF GRADE BELOW
 SYSTEM AREA
 A = 96.33'
 B = 94.49'
 C = 92.43'



000040

1"=40'

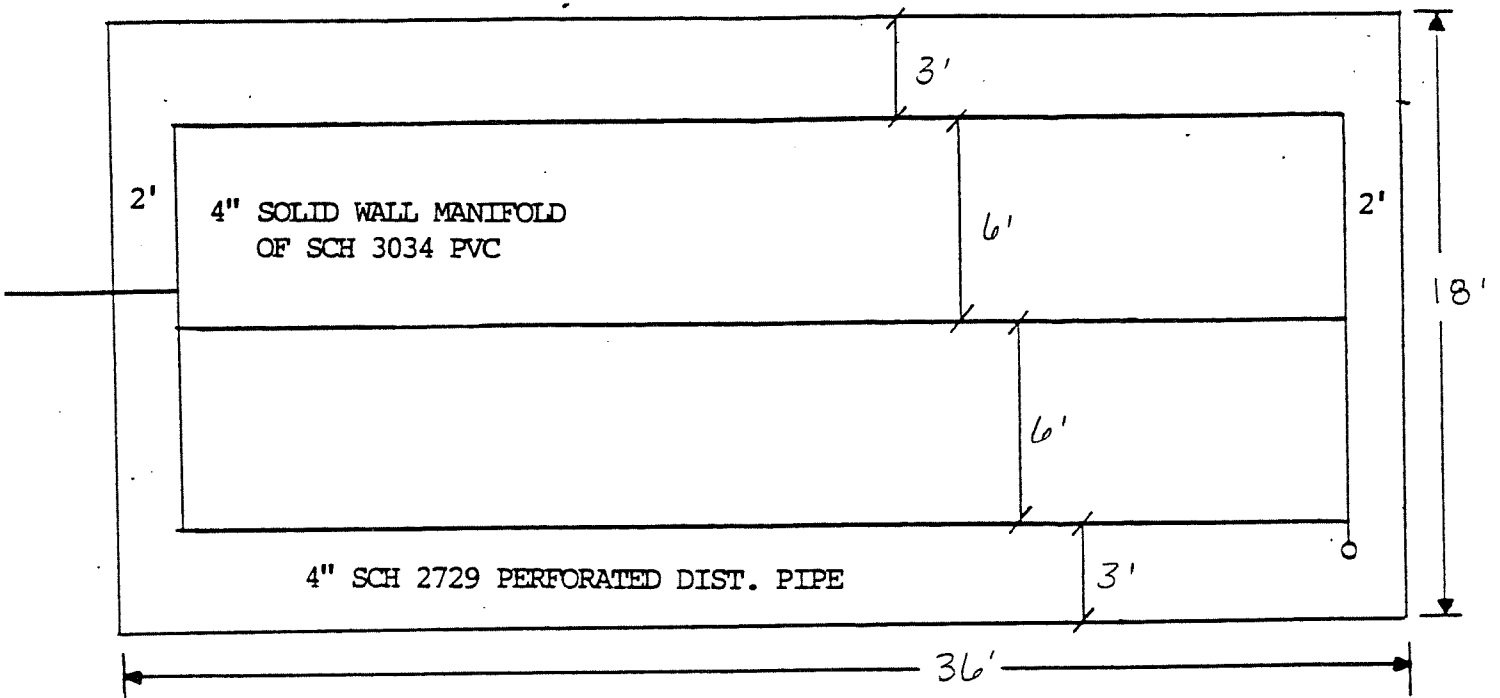


ANDRY RASMUSSEN AND SONS

P.O. Box 66
 Cable, WI 54821
 (715) 798-3355

9-18-97

Ebert



4" SCH 40 PVC FRESH AIR
INLET, TERMINATING MIN
12" ABOVE GRADE

- *Provide min. 6" gravel under dist. pipe @ vent end of system.
- *Distribution pipe to pitch @ 2" - 4" per 100'.
- *Provide min. 2" gravel over all distribution piping.
- *Provide synthetic cover material or 9" of marsh hay or straw over all aggregate.

-100.19'

FINAL
GRADE

95.87'

SYSTEM ELEVATION

000041

SOIL AND SITE EVALUATION

in accordance with s. ILHR 83.09, Wis. Adm. Code

Page 1 of 4

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

County	BAYFIELD
Parcel I.D. #	
Reviewed by	179. Jr
Date	7-3-97

APPLICANT INFORMATION - Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04 (1) (m)).

Property Owner	RAY EBERT	Property Location	Govt. Lot 2 1/4 1/4 S 21 - T 43 N.R. 6 E (W)
Property Owner's Mailing Address	W 3763 HIDDEN RIVER RD	Lot #	10
		Block #	
		Subd. Name or CSM #	YOUNGS ASS. PLAT
City	WEST SALEM	State	WI
Zip Code	54669	Phone Number	(608) 786-1046
		<input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Town	NAMEKAGON
		Nearest Road	GARMISCH RD

<input checked="" type="checkbox"/> New Construction	Use:	<input checked="" type="checkbox"/> Residential / Number of bedrooms 3	Addition to existing building
<input checked="" type="checkbox"/> Replacement		<input type="checkbox"/> Public or commercial - Describe:	
Code derived daily flow	450 gpd	Recommended design loading rate	.7 bed, gpd/ft ² .8 trench, gpd/ft ²
Absorption area required	643 bed, ft ² 563 trench, ft ²	Maximum design loading rate	.7 bed, gpd/ft ² .8 trench, gpd/ft ²
Recommended infiltration surface elevation(s)	95.87' / REP. Sys. Holding Tank		(as referred to site plan benchmark)
Additional design/site considerations	SETBACK VARIANCES TO BE APPLIED FOR TO CONFORM TO CODE		
Parent material	GLACIAL TILL	Flood plain elevation, if applicable	ft
S = Suitable for system	Conventional	Mound	In-Ground Pressure
U = Unsuitable for system	<input checked="" type="checkbox"/> S <input type="checkbox"/> U	<input type="checkbox"/> S <input checked="" type="checkbox"/> U	<input checked="" type="checkbox"/> S <input type="checkbox"/> U
			AT-Grade
			<input type="checkbox"/> S <input checked="" type="checkbox"/> U
			System in Fill
			<input type="checkbox"/> S <input checked="" type="checkbox"/> U
			Holding Tank
			<input type="checkbox"/> S <input checked="" type="checkbox"/> U

SOIL DESCRIPTION REPORT

Boring #	Horizon	Depth in.	Dominant Color Munsell	Mottles Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ² Bed Trench
1	1	0-6	7.5YR 3/1	—	SL	ZMABK	MVPR	CW	2m	.5 .6
	2	6-12	7.5YR 4/1	—	LS	ZMABK	MVPR	CW	1F	.7 .8
	3	12-25	7.5YR 4/4	—	GRS	ZMABK	MVPR	CW	—	.7 .8
	4	25-94	5YR 4/4	—	GRS	ZMABK	ML	—	—	.7 .8

Remarks:

Boring #	1	2	3	4	5
	1	2	3	4	5
	0-6	6-13	13-24	24-58	58-93
	7.5YR 3/1	7.5YR 4/1	7.5YR 4/4	5YR 4/4	7.5YR 4/4
	—	—	—	—	—
	SL	LS	GRS	GRS	GRS

Remarks: HAND BORING

CST Name (Please Print)	DAVID L. HISDAHL	Signature	Telephone No.
Address	P.O. Box 231 Cable, WI 54821	Date	715-798-3038
		GST Number	6-26-97 CSTMO4016

RAY EBERT

N 3763 Hidden River RD
WEST SALEM, WI 54669
608-786-1046

GOVT LOT 2 LOT 10 Youngs Ass. Plat
S 21 T 43 R 6 W
TOWN OF NAMEKAGON, Bayfield Co.,

30A4

▲ BM = 100'. COPPER PIPE AT BASE OF FIRE SIGN 320-56

B1 = 100.19'

B2 = 100.44'

B3 = 99.37'

SYSTEM ELEV. = 95.87'

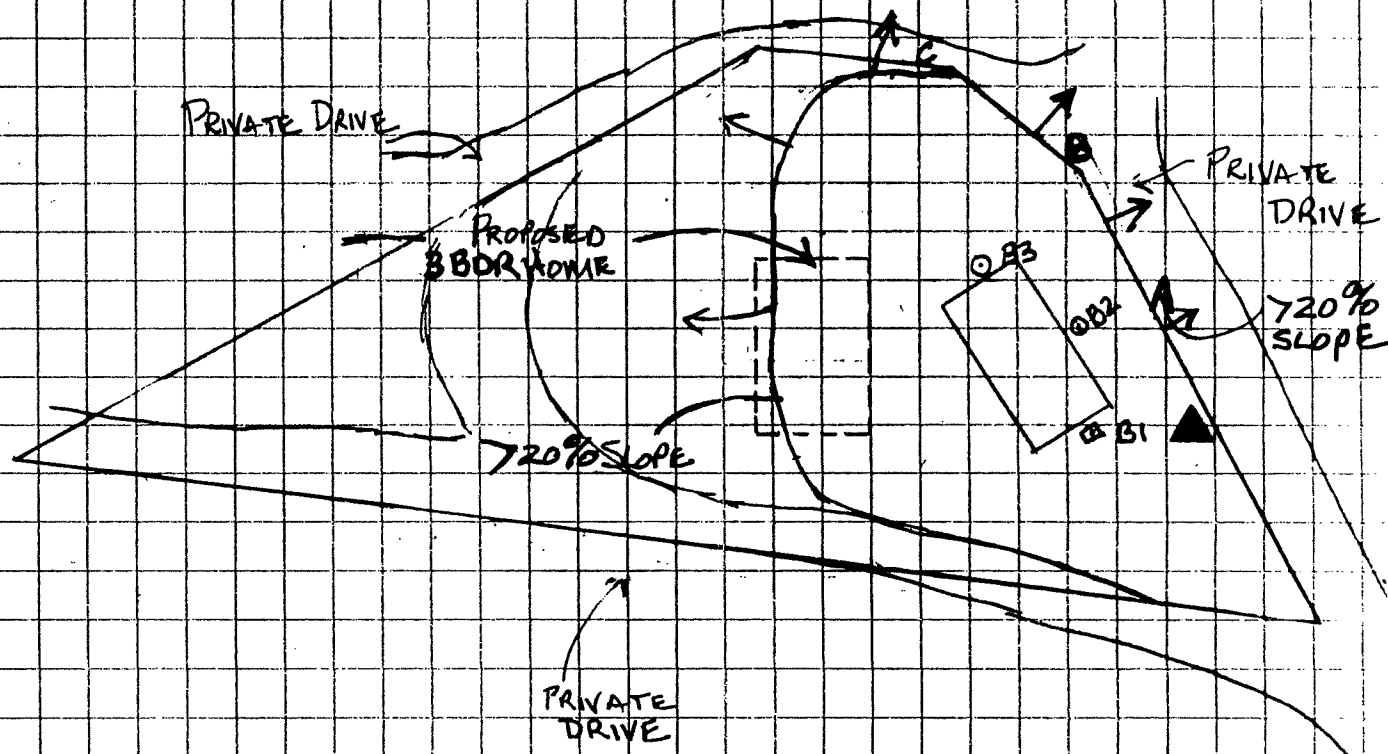
ALT. SYSTEM = HOLDING TANK

ELEVATIONS OF GRADE BELOW
SYSTEM AREA

A = 96.33'

B = 94.49'

C = 92.43'



DAVID L. HISDAHL

P.O. Box 231

Cable, WI 54821

CSTM04016

715-798-3235

Real Estate Bayfield County Property Listing

Today's Date: 7/8/2020

Property Status: **Current**

Created On: 3/15/2006 1:15:49 PM

Description Updated: 4/5/2005

Tax ID: 25259
PIN: 04-034-2-43-06-21-1 00-321-14000
 Legacy PIN: 034112901000
 Map ID:
 Municipality: (034) TOWN OF NAMAKAGON
 STR: S21 T43N R06W
 Description: YOUNGS ASSESSOR'S PLAT LOT 10
 Recorded Acres: 0.400
 Calculated Acres: 0.411
 Lottery Claims: 0
 First Dollar: Yes
 Zoning: (RRB) Residential-Recreational Business
 ESN: 123

Tax Districts Updated: 3/15/2006

1	STATE
04	COUNTY
034	TOWN OF NAMAKAGON
041491	SCHL-DRUMMOND
001700	TECHNICAL COLLEGE

Recorded Documents Updated: N/A

N/A

Ownership Updated: 3/15/2006

RAY A EBERT WEST SALEM WI

Billing Address:

RAY A EBERT
 W3763 HIDDEN RIVER RD
 WEST SALEM WI 54669

Mailing Address:

RAY A EBERT
 W3763 HIDDEN RIVER RD
 WEST SALEM WI 54669

Site Address * indicates Private Road

42870 LAKE RIDGE RD * CABLE 54821

Property Assessment Updated: 11/14/2007

2020 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	0.400	28,600	114,800

2-Year Comparison	2019	2020	Change
Land:	28,600	28,600	0.0%
Improved:	114,800	114,800	0.0%
Total:	143,400	143,400	0.0%

Property History

N/A

7/31/1997

000044

DOCUMENT NO.

362682

WARRANTY DEED

STATE BAR OF WISCONSIN FORM 2 — 1982

THIS SPACE RESERVED FOR RECORDING DATA

REGISTER'S OFFICE

Bayfield County, Wis. } ss

RECORDED AT 3 P M

ON JAN 22 1986

Vol. 427 of REC. Page 291

Otto Korpela

REGISTER OF DEEDS

RETURN TO S-C-L

pd. 4.00 TREX #8

EDWIN EBERT and ANNAMAE EBERT, his wife
conveys and warrants to RAY EBERT, a single man
the following described real estate in Bayfield County,
State of Wisconsin:

Tax Parcel No:

Lot Ten (10), Young's Assessors Plat, being a part
of Lot Two (2), Section Twenty-one (21), Township
Forty-three (43) North, Range Six (6) West.

TRANSFER FEE \$	FEE EXEMPT # 8
RENTAL WEATHERIZATION CODE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> EXEMPTION # W-1	

This is not homestead property.
(is) (is not)

Exception to warranties: Easements, restrictions and reservations of
record.

Dated this 2ND day of January, 1986.

(SEAL)

Edwin Ebert

(SEAL)

Edwin Ebert

(SEAL)

Annamae Ebert

(SEAL)

Annamae Ebert

AUTHENTICATION

Signature(s)

authenticated this day of, 19

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

ATTORNEY JACK A. CARLSON

WASHBURN, WISCONSIN

(Signatures may be authenticated or acknowledged. Both
are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN:

St. Croix County.

ss.

Personally came before me this 2ND day of
January, 1986 the above named
Edwin Ebert and Annamae Ebert

to me known to be the person who executed the
foregoing instrument and acknowledge the same.

G.W. Kautson
Notary Public St. Croix County, Wis.

My Commission is permanent. (If not, state expiration
date: 1987)

Notary Public - State of Wisconsin
Commission Expires Dec. 7, 1987

*Names of persons signing in any capacity should be typed or printed below their signatures.

Volume 427

Page 29

Robert & Corinne Rasmussen
42890 Lake Ridge Road
Cable, WI 54821
715-794-2140
rcras44@gmail.com

August 26, 2020

Bayfield County Planning and Zoning Department
Att: Board of Adjustment
117 East Fifth Street
P.O. Box 58
Washburn, WI. 54891

Dear Board of Adjustment

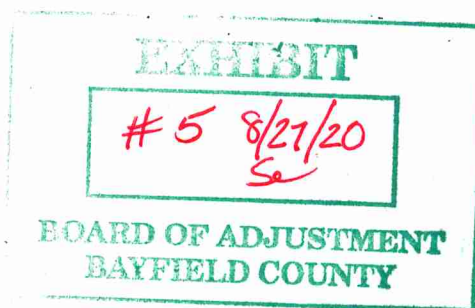
We support the variance request for Ray Ebert family to remove existing structure from weekly rental and to remodel for their family year around residence. This variance would not cause any problem for road maintenance, traffic flow or emergency services.

While this property does not have lakeshore, there is understandable concern about water run-off into Lake Namakagon. We have not observed issues in the past and understand this variance request includes a plan to further manage rain fall.

Sincerely,

Robert Rasmussen
Corinne Rasmussen

Robert and Corinne Rasmussen



Town of Namakagon
23845 County Highway M
Cable, WI 54821
715-794-2651
namakagon@cheqnet.net

RECEIVED
AUG 25 2020

Bayfield Co. Zoning Dept.

August 19, 2020

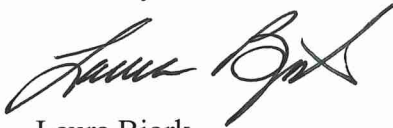
Bayfield County Planning and Zoning Department
Att: Board of Adjustment
117 East Fifth Street
PO Box 58
Washburn, WI 54891

To Mark Hoefling, Bayfield County Board of Adjustment Chairman,

The Town Board of the Town of Namakagon received a Variance request notification for Ray Ebert to request a lessor setback(s) than required by Ordinance. This is being addressed by the Bayfield County Board of Adjustment at their meeting on Thursday, August 27, 2020.

The Town Board of the Town of Namakagon has no objection to the requested reduced road setback for Ray Ebert. Please take this into consideration in your decision making process on Thursday, August 27, 2020.

Sincerely,

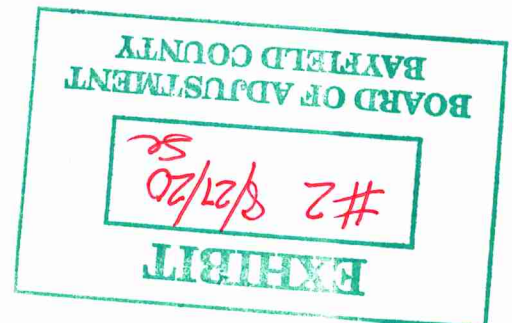


Laura Bjork
Town of Namakagon Clerk

Robert Rasmussen, Town Chairman
715-580-0500, namchairman@cheqnet.net

Jack McGregor, Town Supervisor
715-580-0898, namsupervisor1@cheqnet.net

Jim Krueger, Town Supervisor
715-580-0826, namsupervisor2@cheqnet.net



RECEIVED
AUG 26 2020

Debbie Kmetz

Bayfield Co. Zoning Dept.

From: Hans or Lynn Rasmussen <hanslynn@cheqnet.net>
Sent: Tuesday, August 25, 2020 3:04 PM
To: BaycoZoning
Subject: Bayfield Co Board of Adjustment Public Hearing and Meeting/Aug.27, 2020/9:00 am

Re: Ray Ebert
42860 Lake Ridge Rd
Cable, WI 54821

Case # 20-03B

As an adjacent property owner I have no objection to Mr. Ebert's request for 2 variances. Having his property become a single family residence and no longer a rental will improve traffic, privacy etc. Also, there are no issues with the impervious surface standards.

Hans Rasmussen
42850 Lake Ridge Rd

BAYFIELD COUNTY BOARD OF ADJUSTMENT

Ray A. Ebert

DECISION ON REQUEST
FOR VARIANCES

August 27, 2020

Case No. 20-03B

RECEIVED
SEP 09 2020

Bayfield Co. Zoning Dept.

Ray A. and Heidi Ebert appeared before the Board of Adjustment on August 27, 2020 requesting two variances from the provisions of Section 13-1-22(b)(2) and 13-1-32(c) of the Bayfield County Zoning Ordinance.

Section 13-1-22(b)(2). states:

Private Road Setbacks. Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.

Section 13-1-32(c) state:

Impervious Surface Standards. For any riparian lot or parcel and any non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway, the construction, reconstruction, expansion, replacement or relocation of any impervious surface must meet the following requirements:

- (1) **Lots or Parcels with 15% or Less Impervious Surface.** Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface without the need for mitigation.
- (2) **Lots or Parcels with More than 15% but no More than 30% Impervious Surface.** Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Sec. 13-1-40, subsection (f) paragraph (9) of this Ordinance shall apply.
- (3) **Existing Impervious Surfaces.** For the existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in paragraphs (1) and (2) above, the property owner may do any of the following:

- a. Maintenance and repair of all impervious surfaces.
 - b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope.
 - c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1)(b), Wisconsin Administrative Code.
- (4) **Treated Impervious Surfaces:** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations.
- a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (5) **Calculation of Percentage of Impervious Surface:** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surfaces area of that lot or parcel and multiplied by 100.

Prior to this request the applicant(s) was granted an interpretation of zoning district by the Board of Adjustment (April 25, 1991). He was denied a variance to create (2) substandard lots (August 29, 1991). He was granted a variance to construct a new single-family rental dwelling (26' by up to 36') with tuck under garage a distance of 20' from the centerline of a private road (July 31, 1997).

Applicant seeks to exceed the expansion rights granted on the previous variance (1997) and instead of the tuck under garage as previously granted; he seeks to construct a new garage addition.

Applicant seeks a reduced setback of **20 feet** from centerline of **Lake Ridge Rd** instead of the required 40 ft. from centerline.

Applicant seeks 2nd variance for **47%** of Impervious Surface Standards instead of the required 30% maximum allowed.

The property is zoned (R-RB) (in shoreland zone). The property is a substandard lot consisting of 0.40-acres; Tax ID# 25259; described as Lot 10, Young's Assessor's Plat, V. 427, P. 291, Section 21, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, Wisconsin.

The applicant testified that he was seeking the variance(s) to expand the existing structure from a weekly rental to a year-round residence. The septic system was designed for a Three (3) bedroom home and he would be adding rain gardens to mitigate rainfall erosion.

The Town of Namakagon submitted a letter stating they had no objection to the variances request for a Twenty (20) foot set back the Lake Ridge Road. (Exhibit 2) The neighbors submitted letters in support (Exhibit 3). A proposed storm water management plan was submitted. The Planning and Zoning Department testified that the subject parcel is a .40-acre lot, identified as Lot 10 Youngs Assessors Plat (1979), is zoned Residential-Recreational Business (RRB), and is adjacent to Lake Namakagon, a Class 1 Lake. The current use of the property is seasonal residential, the current owner(s) maintain a vacation home on the subject lot. The development pattern in the area is comprised of Lakewood's Resort & higher density, small lot residential shoreland year-round vacation lake homes. The septic system servicing the residence was installed in 1997 under permit 297946 and has been properly maintained. The owners wish to add on to the residence. WI NR 115, the State's Shoreland Standards, requires limitations on impervious surfaces within 300' of navigable waters, and the subject property is within 300' of

Lake Namakagon. The maximum impervious surface allowed on a lot is 30%. The proposed construction would result in impervious surfaces of approximately 47%. The existing home was authorized by Variance 791. Variance 791 was issued on the condition that, “the construction be 26’ by up to 36’ residence with tuck under garage and be a single-family dwelling”. The “10’ x 26’ Existing Deck” on the north side of the house, which the applicant wishes to enclose, was not part of the original approval and appears to have been built without a permit.

No one testified in opposition to the request.

The Bayfield County Planning and Zoning Department participated through Director Robert Schierman. Board of Adjustment members present were Chairman Mark Hoefling, Acting Vice Chair, Sheri Eggleston, Adrian Wydeven, Dennis Rassmussen and Rick Forsythe. Attorney Craig Haukaas appeared as Corporation Counsel.

FINDINGS OF FACT

1. The Bayfield County Zoning Ordinance 13-1-3 statement of purpose provides this chapter is adopted for the purpose of promoting convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty and to promote the better uses of scenic resource.
2. An area variance is a relaxation of dimensional requirements in a land use regulation. To grant a variance, the applicant must establish that all three criteria of a three-step test.
 - a. First, hardship is present where a dimensional requirement unreasonably prevents use of the property for a permitted use or is unnecessarily burdensome given the purpose of the ordinance. The hardship must be based on conditions unique to the property rather than considerations personal to its owner. An applicant may not claim hardship because of conditions which are self-imposed.

- b. Second, compliance with ordinance requirements is prevented by unique physical limitations of the property which are not generally shared by other properties.
 - c. Third, a variance may not adversely affect public interests outlined in the purpose statement of the ordinance or other specific ordinance requirements.
3. Impervious Surface Standards set forth at Section 13-1-32(c) of the Bayfield County Zoning Ordinance as stated above ensure the statement of purpose contained in that document are followed in the variance application process.

CONCLUSIONS OF LAW

1. Exhibits presented are received as evidence and incorporated into this decision.
2. The dimensional requirements of the road set back provision of the Bayfield County Zoning Ordinance do not unreasonably prevent the use of the property.
3. The Impervious Surface Standards promote the general welfare and to further safe and healthy conditions. The applicant was previously granted a variance to meet concerns he had for this lot. It is not in the public interest to deviate so significantly from the ordinance requirements.
4. The applicant has failed to meet his burden of proof to satisfy requirements necessary for the granting of the requested variances.

DECISION

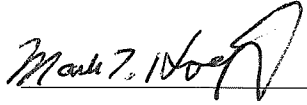
Motion to deny the variances requested were made by Shari Eggleston and seconded by Adrian Wydeven. The vote was 3 in 2 in favor of the motion.

RECEIVED
SEP 09 2020

BAYFIELD COUNTY BOARD OF ADJUSTMENT

Bayfield Co. Zoning Dept.

By



Mark Hoefling, Chairman

9/4/2020

Date

Tracy Pooler

From: Travis Tulowitzky
Sent: Monday, January 25, 2021 10:09 AM
To: Robert Schierman; Tracy Pooler
Cc: ray@ebert.org; Heidi Ebert
Subject: FW: Ebert
Attachments: Architect Plan.pdf; Ebert Impervious Surface (January).pdf; IMG-1660.JPG

Good Morning,

Based on the attached information provided by Ray & Heidi Ebert, their architect and surveyor, I have reviewed and accept their stormwater management plan.

Please let me know if you need any additional information from me.

Thank you,

Travis

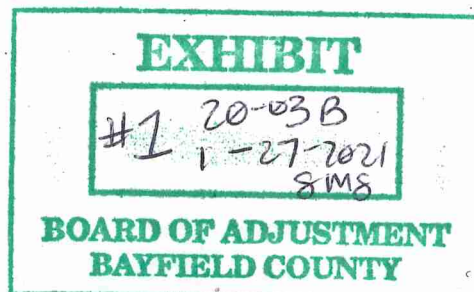
Travis Tulowitzky
Conservation Technician
Bayfield County Land & Water Conservation
(715) 373-6167

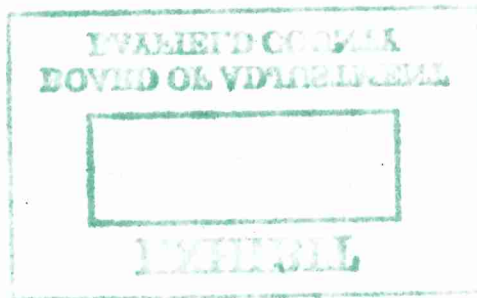


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Sent: Friday, January 22, 2021 2:40 PM
To: Travis Tulowitzky <ttulowitzky@bayfieldcounty.org>
Cc: rshierman@bayfieldcounty.org
Subject: Ebert

Hopefully we are near end. If Travis ok's plan we will submit to be distributed to committee





MAP OF SURVEY

LOT 10 OF YOUNG'S ASSESSOR'S PLAT, LOCATED IN
GOVERNMENT LOT 2 OF SECTION 21, T. 43 N., R. 6 W.,
IN THE TOWN OF NAMAKAGON, BAYFIELD COUNTY,
WISCONSIN

NOTES:
THE CORNER HIGH WATER LINE OF LAKE NAMAKAGON IS APPROXIMATE AND FOR REFERENCE PURPOSES ONLY.
ANY USE OF THE CORNER HIGH WATER LINE OF A LAKE OR A MARSHABLE SYSTEM IS SUBJECT TO THE
CONSTITUTION.
DUE TO THE DEPTH OF SNOW AT THE TIME OF THE SURVEY, SOME LINES OF OCCUPATION COULD NOT BE
LOCATED OR IMAGED.
SEE YOUNG'S ASSESSOR'S PLAT FOR SECTION 21 AND ADDITIONAL INFORMATION.

IMPROVED SURFACE INFORMATION
TOTAL AREA = 17,908 SQ. FT.
TOTAL IMPROVED SURFACE = 3,280 SQ. FT. = 22.18% OF TOTAL AREA
CORN = 1,180 SQ. FT.
CORN = 1,180 SQ. FT.
BLACKTOP DRIVEWAY = 1,180 SQ. FT.

THIS MAP PLAT, PLAT MAP, AND THE PLAT OF THE CORNER HIGH WATER ON YOUNG'S ASSESSOR'S PLAT
AND THE ROAD DECK WERE NOT INCLUDED IN THE IMPROVED SURFACE CALCULATIONS.

SURVEYOR'S CERTIFICATE
I, JASON R. NELSON, PROFESSIONAL LAND SURVEYOR IN THE STATE OF WISCONSIN, HEREBY
CERTIFY:
THAT ON THE ORDER OF MY CLIENT, I HAVE SURVEYED AND IMAGED LOT 10 OF YOUNG'S
ASSESSOR'S PLAT, PLAT MAP, AND THE PLAT OF THE CORNER HIGH WATER ON YOUNG'S ASSESSOR'S
PLAT, IN THE TOWN OF NAMAKAGON, BAYFIELD COUNTY, WISCONSIN.
THAT THIS MAP IS A TRUE REPRESENTATION OF SAID SURVEY;
THAT I HAVE FULLY COMPLIED WITH CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE;
AND THAT SAID SURVEY AND MAP ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JASON R. NELSON PLS NO. 3027



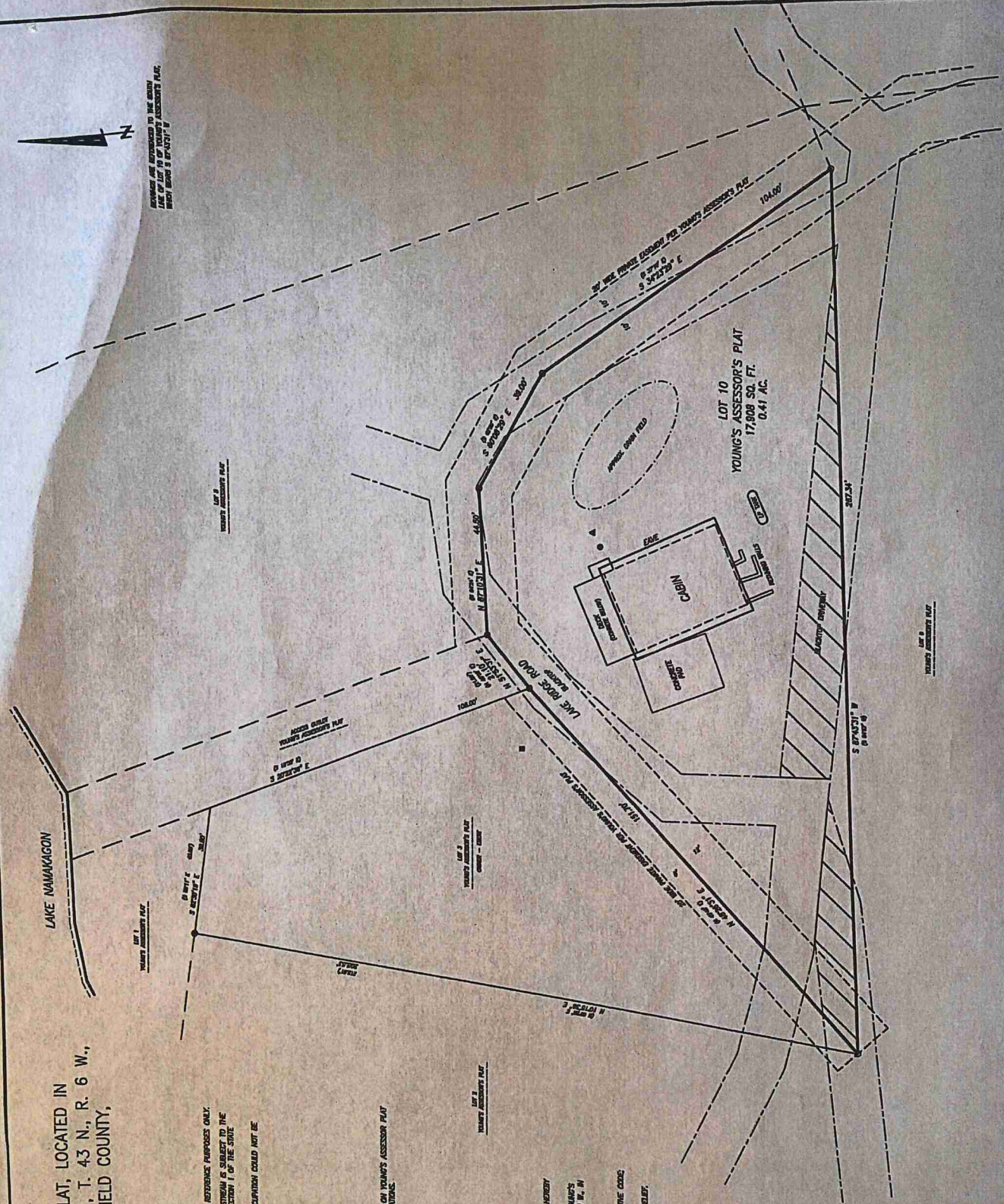
- LEGEND
- PLEASANT 1" HIGH PIPE, UNLESS NOTED
 - SET 1" HIGH 1" HIGH PIPE
 - () RECOVERED DATA
 - SPRING CORNER
 - ▲ SPRING VENT
 - WELL

CLIENT: RAY EBERT
JOB NO. 100/041
SCALE: 1" = 20'
NO. 8-20 PL. 78
REVISED: 1/9/21

FILE: 10/10/04/041
ACCU: EBERT
COORD: EBERT

HEART OF THE NORTH
SURVEYING OF HAYWARD, INC.

10000 DUFFY ROAD
HAYWARD, WI 54843
PH: 715/434-2443
FAX: 715/434-2444
WWW.HOVSURVEYING.COM



EBERT
Impervious Surface Calculation
DRAFT PENDING TRAVIS'S CONFIRMATION OF MITIGATION PLAN

	Area (sq. ft.)	Net Area (sq. ft.)	Notes
Existing house	31x38 = 1178	1178	including overhang/ front sidewalk
Existing deck (concrete below)	9 x26 = 234 (7x26 = 182)	182	Overhang included in above calculation
Existing concrete pad	16x25 = 400	* 400	Concrete will be removed
Roads^	2169	2169	Driveway of Convenience along south property line
Proposed addition (Including overhang)	25x28 = 700	700	
Proposed deck	12x24 280	0	1/4" space between boards and pervious surface below
Proposed garage	18x18=324 8x20 = 160	* 84 * (484-400)	Per NR115.05 existing permeable surface can be relocated
Proposed driveway	12x40 = 480	480	
Total		5193	
Impervious surface: 5193 / 17908 = 29% (before mitigation)			

^Public road: As defined by Bayfield County, an access road or street serving more than one residence or serving more than one parcel of land. Bayfield County 13.1.4 (a) (53)

Proposed water mitigation plan includes three 70 cu ft rain gardens and three 275 gallon rain barrels. Per Travis, the system addresses 13.4% of the impervious surface.

Therefore:

- 13.4% of 17908 = 2400 sq ft addressed by mitigation plan
- 5193 - 2400 = 2793 sq ft impervious surface after mitigation
- 2793 / 17908 = **15.6% impervious surface after mitigation**

Town of Namakagon
23845 County Highway M
Cable, WI 54821
715-794-2651
namakagon@cheqnet.net

RECEIVED

JAN 20 2021

Bayfield Co.
Planning and Zoning Agency

January 14, 2021

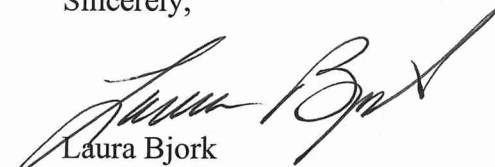
Bayfield County Planning and Zoning Department
Att: Board of Adjustment
117 East Fifth Street
PO Box 58
Washburn, WI 54891

To Mark Hoefling, Bayfield County Board of Adjustment Chairman,

The Town Board of the Town of Namakagon received a Decision of Reconsideration for Ray Ebert to request a lessor setback(s) than required by Ordinance. This is being addressed by the Bayfield County Board of Adjustment at their meeting on Thursday, January 28, 2021.

Once again, the Town Board of the Town of Namakagon has no objection to the requested reduced road setback for Ray Ebert. Please take this into consideration in your decision making process on Thursday, January 28, 2021.

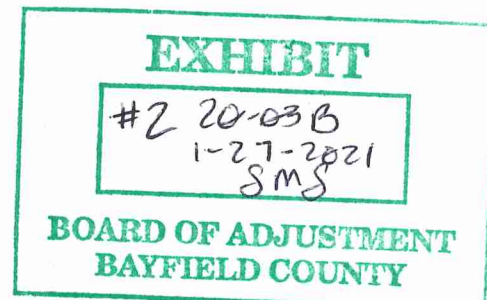
Sincerely,


Laura Bjork
Town of Namakagon Clerk

Robert Rasmussen, Town Chairman
715-580-0500, namchairman@cheqnet.net

Jack McGregor, Town Supervisor
715-580-0898, namsupervisor1@cheqnet.net

Jim Krueger, Town Supervisor
715-580-0826, namsupervisor2@cheqnet.net



PUBLIC NOTICES

BOARD OF ADJUSTMENT PUBLIC HEARING JANUARY 28, 2021 COUNTY BOARD ROOM, BAY- FIELD COUNTY COURTHOUSE WASHBURN, WISCONSIN

There will be a public hearing to take evidence followed by a public meeting to make a decision in the case.

Notice is hereby given that a public hearing will be held on Thursday, January 28, 2021 at 9:00 a.m. in the County Board Room of the Bayfield County Courthouse, Washburn Wisconsin relative to the following item(s):

Reconsideration (Previous Case was heard August 27, 2020 – Request for variances were denied)

Case # 20-03B – Ray Ebert –

This case will not be considered a new application. Nothing should be interpreted as allowing a complete reopening of the case, nor require or presume that the Board of Adjustment would make any substantial change in their decision.

Applicant sent a letter October 20, 2020 requesting reconsideration of impervious surface calculations.

The Board granted a reconsideration at their meeting on December 3, 2020. Applicant may present evidence supporting his position that the data submitted regarding impervious surface calculations was misinterpreted

and valuable questions left unanswered. Evidence regarding other matters will not be received.

Property is (R-RB) (in shoreland zone). Property is a substandard lot consisting of 0.40-acres; Tax ID# 25259; described as Lot 10, Young's Assessor's Plat, V. 427, P. 291, Section 21, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, WI.

Status Report: Discussion of any court decisions for cases under review since the last meeting of the Board. (i.e. NA)

The Board of Adjustment agenda shall be as follows:

9:00 a.m. Call to Order
Review of materials contained in files of the above cases (if applicable)
Acceptance of oral or written testimony from interested parties

Any person wishing to attend who, because of a disability, requires special accommodations, should contact the Planning and Zoning office at 373-6138, at least 24 hours before the scheduled meeting time, so appropriate arrangements can be made.

MARK HOEFLING, CHAIRMAN,
BAYFIELD COUNTY BOARD OF
ADJUSTMENT

Upon the completion of the public hearings, notice is served that the Board of Adjustment pursuant to Sec. 19.85 (1) (g) may go into closed session to confer with legal counsel for the Board who

is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved.

Note: Any person aggrieved by any decision of the Board of Adjustment, or a taxpayer, or any officer, department, board or bureau of the municipality, may within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by writ of certiorari.

1/12 1/19, 2021
WNAXLP

Printers Affidavit of Publication

RECEIVED
JAN 25 2021

Bayfield Co. Zoning Dept.

(State of Wisconsin)

ss.

(County of Ashland)

James Moran, being duly sworn, on oath, says that he is the Legal Notice Representative of the daily newspaper known as **The Ashland Daily Press** and published at Ashland, WI in Ashland County and the State of Wisconsin, says that the annexed printed copy of:

Bayfield County Board of Adjustment
Meeting 1-28-2021

Which forms part of this affidavit, was published in the said newspaper on the following dates:

1/12 1/19

And further, that the said printed notice so annexed was taken from the said The Ashland Daily Press, the newspaper in which the same was published.

By: [Signature]
James Moran

Title: Legal Notice Representative

Subscribed and sworn to before me on this 25th
of January 2021 AD

[Signature]
Janice J. Nelson

Notary Public

My term expires on : 6-5-24

FEES:

1 Inset of 176 lines @ .7773 = 136.80

2 Inset of 176 lines @ .5999 = 105.58

242.38

Add Affidavit Fee =

\$1.00

Total = 243.38

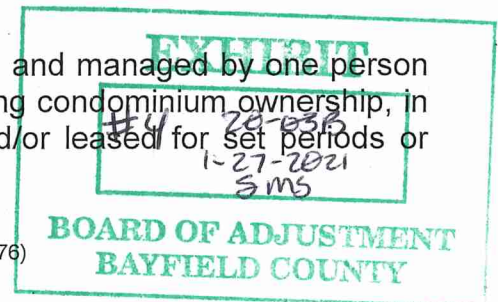
EXHIBIT

#3 20-03B
1-27-2021
8ms

BOARD OF ADJUSTMENT
BAYFIELD COUNTY

this Chapter, the terms "ordinary high water mark" and "normal high water mark" are synonymous.

- (49) **Parcel.** A piece of land of any size. (©)6/1/1976)
- (50) **Pickup Camper.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation. (©)6/1/1976)
- (51) **Planned Unit Development.** A land development project comprehensively planned as a unit within which a variety of compatible land uses and structures may be developed providing flexibility in building, siting, mixture of uses, usable open spaces, and preservation of significant natural features.
- (52) **Principal Building.** A building in which is conducted the principal use of the lot or site on which it is located. (©)6/1/1976); (A)9/30/2004)
- * (53) **Public Road.** An access road or street serving more than one (1) residence or serving more than one (1) parcel of land. (©)6/1/1976)
- (54) **Recreational Vehicle.** A vehicle or unit that is mounted on or drawn by another vehicle and is primarily designed for temporary living, including but not limited to, such items as travel trailers, motor homes, and pickup campers. 13-1-28
- (55) **Regional Flood.** A flood determined to be representative of large floods known to have occurred generally in Wisconsin and which can be expected to occur on a particular stream, because of like physical characteristics, once in every 100 years. (©)6/1/1976); (A)10/31/2017)
- (56) **Replacement.** To restore to a former state or to provide an equivalent. (©)1/25/2000)
- (56m) **Residence.** A structure, or that part of a structure, which is arranged, designed, used or intended to be used as home, with one or more person(s). (©)10/26/2010)
- (57) **Resort.** A recreational development, owned and managed by one person or family, partnership or corporation, including condominium ownership, in which two (2) or more units are rented and/or leased for set periods or seasons. (©)6/1/1976) (?)
- (58) **Shore Cover.** Trees and shrubbery. (©)6/1/1976)
- (59) **Shoreland Buffer Zone.** An area of natural vegetation types paralleling the shoreline of a water body, stream, or wetland. The buffer zone provides many ecological benefits including, but not limited to, minimizing impacts to the water resource from adjacent upland and landward activities through the filtration of sediment and runoff, uptake of nutrients,



Robert Schierman

From: Travis Tulowitzky
Sent: Monday, January 25, 2021 10:09 AM
To: Robert Schierman; Tracy Pooler
Cc: ray@ebert.org; Heidi Ebert
Subject: FW: Ebert
Attachments: Architect Plan.pdf; Ebert Impervious Surface (January).pdf; IMG-1660.JPG

Good Morning,

Based on the attached information provided by Ray & Heidi Ebert, their architect and surveyor, I have reviewed and accept their stormwater management plan.

Please let me know if you need any additional information from me.

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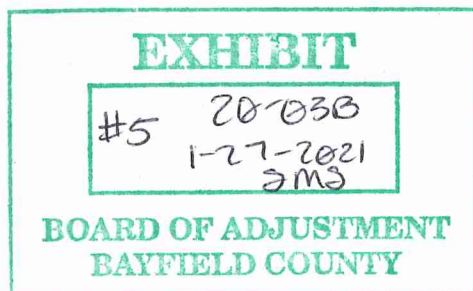
Travis

Travis Tulowitzky
Conservation Technician
Bayfield County Land & Water Conservation
(715) 373-6167

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PUBLIC HEARING

BOARD OF ADJUSTMENT PUBLIC HEARING
JANUARY 28, 2021
COUNTY BOARD ROOM, BAYFIELD COUNTY COURTHOUSE
WASHBURN, WISCONSIN

There will be a public hearing to take evidence followed by a public meeting to make a decision in the case.

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The Board granted a reconsideration at their meeting on December 3, 2020. Applicant may present evidence supporting his position that the data submitted regarding impervious surface calculations was misinterpreted and valuable questions left unanswered. Evidence regarding other matters will not be received.

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9:00 a.m. Call to Order
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Any person wishing to attend who, because of a disability, requires special accommodations, should contact the Planning and Zoning office at 373-6138, at least 24 hours before the scheduled meeting time, so appropriate arrangements can be made.

MARK HOEFLING, CHAIRMAN, BAYFIELD COUNTY BOARD OF ADJUSTMENT

Upon the completion of the public hearings, notice is served that the Board of Adjustment pursuant to Sec.19.85 (1) (g) may go into closed session to confer with legal counsel for the Board who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved.

Note: Any person aggrieved by any decision of the Board of Adjustment, or a taxpayer, or any officer, department, board or bureau of the municipality, may within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by writ of certiorari.

AGENDA

BAYFIELD COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND MEETING
THURSDAY, JANUARY 28, 2021

9:00 A.M.

BOARD ROOM, COUNTY COURTHOUSE
WASHBURN, WISCONSIN 54891

Board of Adjustment Members: Chairman, Mark Hoefling, Vice Chair; Susan Smith; Shari Eggleston; Richard Forsythe; Adrian Wydeven; Dennis Rasmussen-Alternate; Frank Kostka-Alternate; Craig Haukaas, Corp Counsel

8:45 AM Board Members review of document(s)

1. Call to Order Business Meeting
2. Introduction of Board/Members/Staff
3. Order of Presentation
4. Swearing in All Witnesses
5. Business:

Reconsideration (Previous Case was heard August 27, 2020 – Request for variances were denied)

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Applicant(s) / Agent Presentation

Planning and Zoning Agency's Presentation

Discussion Board Members (Only)

6. Other Business Items

- A. Minutes of Previous Meeting(s) (December 3, 2020)
- B. Discussion and Possible Action regarding completion of any unfinished work regarding past meetings and/or Status Report regarding pending cases if any new development.
- C. Board Members discussion(s) regarding matters of the BOA.
- D. Fill Out Per-Diem/Mileage Form.

7. Adjournment

**Mark Hoefling, Chairman
Bayfield County Board of Adjustment**

Upon the completion of the public hearings, notice is served that the Board of Adjustment pursuant to Sec.19.85 (1) (g) may go into closed session to confer with legal counsel for the Board who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved.

Any person wishing to attend who, because of a disability, requires special accommodations, should contact the Planning and Zoning office at 373-6138, at least 24 hours before the scheduled meeting time, so appropriate arrangements can be made.

**** Please Note: Receiving approval from the Board of Adjustment at the meeting does not authorize the beginning of construction or land use; you must first obtain your land use application/permit card(s) from the Planning and Zoning Department.**

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IN THE TOWN OF NAMAKAGON, BAYFIELD COUNTY,
WISCONSIN

NOTES:

THE ORDINARY HIGH WATER LINE OF LAKE NAMAKAGON IS APPROXIMATE AND FOR REFERENCE PURPOSES ONLY.
ANY LAND BELOW THE ORDINARY HIGH WATER LINE OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE
PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE
CONSTITUTION.
DUE TO THE DEPTH OF SNOW AT THE TIME OF THE SURVEY, SOME LINES OF OCCUPATION COULD NOT BE
LOCATED OR MAPPED.
SEE YOUNG'S ASSESSOR'S PLAT FOR SECTION 21 AND ADDITIONAL INFORMATION.

IMPERVIOUS SURFACE INFORMATION

TOTAL AREA = 17,000 SQ. FT.
TOTAL IMPERVIOUS SURFACE - 3,000 SQ. FT. ± = 22.1% OF TOTAL AREA
CONCRETE - 1,100 SQ. FT. ±
BLACKTOP DRIVEWAY - 2,100 SQ. FT. ±

LAKE RIDGE ROAD, BLACKTOP LYING IN THE PLATTED, 20' WIDE EXHIBENT SHOWN ON YOUNG'S ASSESSOR PLAT
AND THE WOOD DECK WERE NOT INCLUDED IN THE IMPERVIOUS SURFACE CALCULATIONS.

SURVEYOR'S CERTIFICATE

I, JASON R. NELSON, PROFESSIONAL LAND SURVEYOR IN THE STATE OF WISCONSIN, HEREBY
CERTIFY:
THAT ON THE 08TH OF MAY 2021, I HAVE CONDUCTED AND MAINTAINED LOT 10 OF YOUNG'S
ASSASSOR'S PLAT, BAYFIELD COUNTY, WISCONSIN, IN ACCORDANCE WITH THE SURVEYING
ACTS OF THE TOWN OF NAMAKAGON, BAYFIELD COUNTY, WISCONSIN.
THAT THIS MAP IS A TRUE REPRESENTATION OF SAID SURVEY.
THAT I HAVE FULLY COMPLIED WITH CHAPTERS 4-E-7 OF THE WISCONSIN ADMINISTRATIVE CODE,
AND THAT SAID SURVEY AND MAP ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JASON R. NELSON PLS NO. 3002

SCALE: ONE INCH = 20 FEET

LEGEND

- PLUMB 1" IRON PIPE, UNLESS NOTED
- SET 1"X10" X 14" IRON PIPE
- () RECORDED DATA
- SEPTIC COVER
- ▲ SEPTIC VENT
- WELL

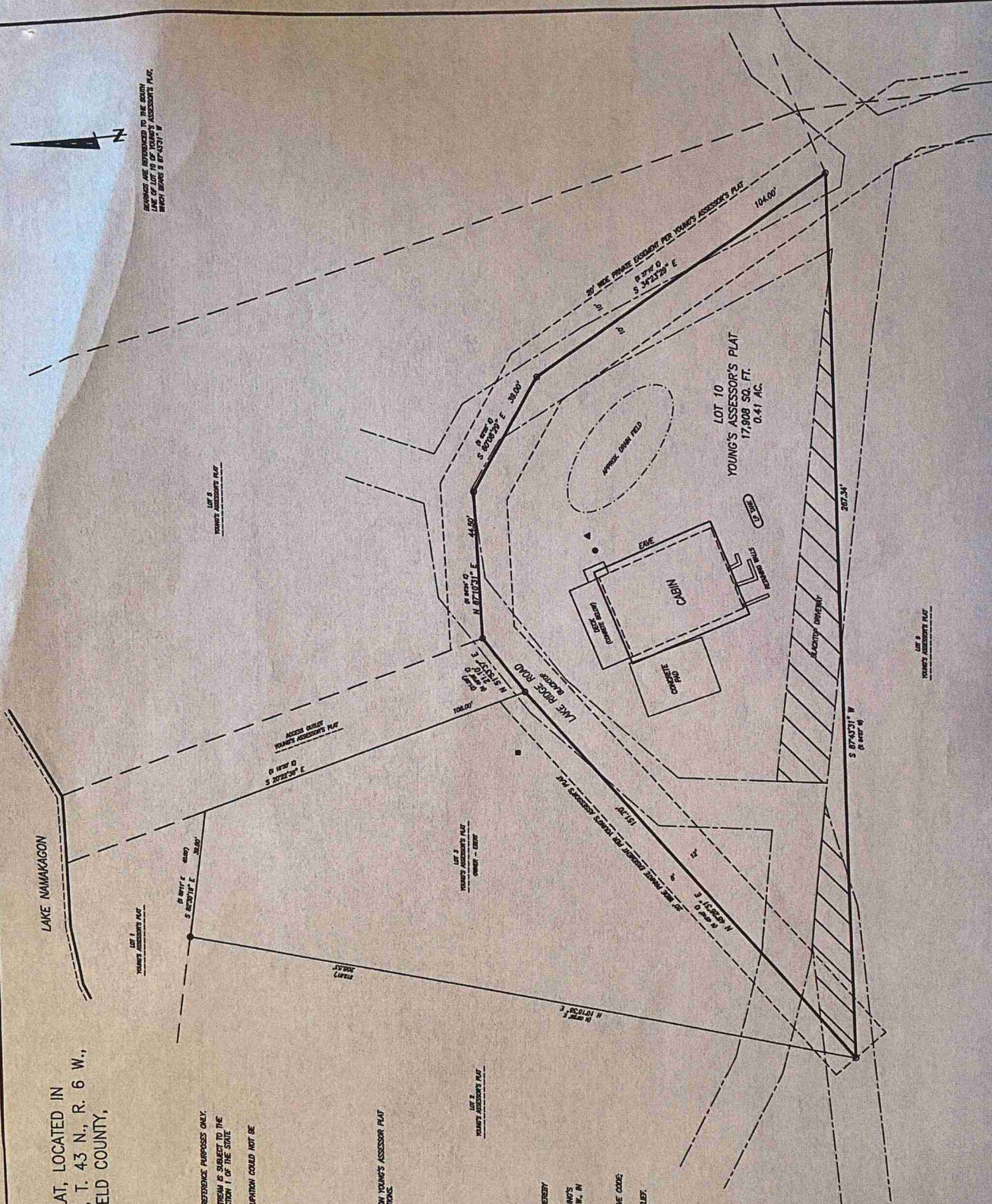
CLIENT: RAY EBERT

JOB NO.: 1002/041
SCALE: 1" = 20'
NO. 8-20 PLS. 70
REVISED: 1/19/21

FILE: M\NAMAGON\20211
ACAD: EBERT
COORD: EBERT

HEART OF THE NORTH
SURVEYING OF HAYWARD, INC.

10330N DUFFY ROAD
HAYWARD, WI 54843
PHONE: 715-835-2442
FAX: 715-835-2446
WWW.HOINSURVEYING.COM



EBERT
Impervious Surface Calculation
DRAFT PENDING TRAVIS'S CONFIRMATION OF MITIGATION PLAN

	Area (sq. ft.)	Net Area (sq. ft.)	Notes
Existing house	31x38 = 1178	1178	including overhang/ front sidewalk
Existing deck (concrete below)	9 x26 = 234 (7x26 = 182)	182	Overhang included in above calculation
Existing concrete pad	16x25 = 400	* 400	Concrete will be removed
Roads^	2169	2169	Driveway of Convenience along south property line
Proposed addition (Including overhang)	25x28 = 700	700	
Proposed deck	12x24 280	0	1/4" space between boards and pervious surface below
Proposed garage	18x18=324 8x20 = 160	* 84 * (484-400)	Per NR115.05 existing permeable surface can be relocated
Proposed driveway	12x40 = 480	480	
Total		5193	
Impervious surface: 5193 / 17908 = 29% (before mitigation)			

^Public road: As defined by Bayfield County, an access road or street serving more than one residence or serving more than one parcel of land. Bayfield County 13.1.4 (a) (53)

Proposed water mitigation plan includes three 70 cu ft rain gardens and three 275 gallon rain barrels. Per Travis, the system addresses 13.4% of the impervious surface.

Therefore:

- 13.4% of 17908 = 2400 sq ft addressed by mitigation plan
- 5193 - 2400 = 2793 sq ft impervious surface after mitigation
- 2793 / 17908 = **15.6% impervious surface after mitigation**

Printers Affidavit of Publication

RECEIVED
NOV 30 2020

(State of Wisconsin)

ss.

(County of Ashland)

Bayfield Co. Zoning Dept.

James Moran, being duly sworn, on oath, says that he is the Legal Notice Representative of the daily newspaper known as **The Ashland Daily Press** and published at Ashland, WI in Ashland County and the State of Wisconsin, says that the annexed printed copy of:

Bayfield County BOA Meeting 12-3-2020

Which forms part of this affidavit, was published in the said newspaper on the following dates:

11/17 11/24

And further, that the said printed notice so annexed was taken from the said The Ashland Daily Press, the newspaper in which the same was published.

By: [Signature]

James Moran

Title: Legal Notice Representative

Subscribed and sworn to before me on this 24th
of November 2020 AD

[Signature]

Notary Public

My term expires on : 6-5-24

FEES:

1 Inset of 203.5 lines @ .7863 = 160.01

2 Inset of 203.5 lines @ .6069 = 123.50

283.51

Add Affidavit Fee =

\$1.00

Total = 284.51

PUBLIC NOTICES

of the Policy Committee, provided the full Board with an update from their October meeting.

11.02 - APPROVE POLICY COMMITTEE MEETING MINUTES: The Board was asked to review and approve the Policy Committee Meeting minutes as presented. Motion by Viater, seconded by Mika to approve the Policy Committee Meeting minutes as presented. All in favor; none opposed. Motion carried.

12.0 - VOLUME 29, NUMBER 1 UPDATE

12.01 - POLICY 1213/3213/4213 - STUDENT SUPERVISION AND WELFARE (REVISED) (2nd Reading): The Board was asked to review Policy 1213/3213/4213 - Student Supervision and Welfare (REVISED) (2nd Reading). Motion by Viater, seconded by Mika to approve Policy 1213/3213/4213 - Student Supervision and Welfare (REVISED) (2nd Reading) as presented. All in favor; none opposed. Motion carried.

12.02 - POLICY 2370 - EDUCATIONAL OPTIONS PROVIDED BY THE DISTRICT (NEW) (2nd Reading): The Board was asked to review and approve Policy 2370 - Educational Options Provided by the District (NEW) (2nd Reading). Motion by Bochler, seconded by Mika to approve Policy 2370 - Educational Options Provided by the District (NEW) (2nd Reading) as presented. All in favor; none opposed. Motion carried.

13.0 - VOLUME 29, NUMBER 2 UPDATE

13.01 - POLICY 3215, 4215 - USE OF TOBACCO AND NICOTINE BY STAFF (REPLACEMENT) (2nd Reading): The Board was asked to review Policy 3215, 4215 - Use of Tobacco and Nicotine by Staff (REPLACEMENT) (2nd Reading). Motion by Lunn, seconded by Mika to approve Policy 3215, 4215 - Use of Tobacco and Nicotine by Staff (REPLACEMENT) (2nd Reading) as presented. All in favor; none opposed. Motion carried.

13.02 - POLICY 5512 - USE OF TOBACCO AND NICOTINE BY STUDENTS (REPLACEMENT) (2nd Reading): The Board was asked to review Policy 5512 - Use of Tobacco and Nicotine by Students (REPLACEMENT) (2nd Reading). Motion by Lunn, seconded by Mika to approve Policy 5512 - Use of Tobacco and Nicotine by Students (REPLACEMENT) (2nd Reading) as presented. All in favor; none opposed. Motion carried.

13.03 - POLICY 7434 - USE OF TOBACCO AND NICOTINE ON SCHOOL PREMISES (REPLACEMENT) (2nd Reading): The Board was asked to review Policy 7434 - Use of Tobacco and Nicotine on School Premises (REPLACEMENT) (2nd Reading). Board discussion followed regarding removing language from the fourth paragraph. Motion by Viater, seconded by Mika to approve Policy 7434 - Use of Tobacco and Nicotine on School Premises (REPLACEMENT) (2nd Reading) with the approved language removed. All in favor; none opposed. Motion carried.

13.04 - POLICY 8390 - ANIMALS ON DISTRICT PROPERTY (REVISED) (2nd Reading): The Board was asked to review Policy 8390 - Animals on District Property (REVISED) (2nd Reading). Motion by Lunn, seconded by Mika to approve Policy 8390 - Animals on District Property (REVISED) (2nd Reading) as presented. All in favor; none opposed. Motion carried.

14.0 - VOLUME 29, NUMBER 2 UPDATE (TECHNICAL)

14.01 - POLICY 0166 - AGENDA (2nd Reading): The Board was asked to review Policy 0166 - Agenda (2nd Reading). Motion by Bochler, seconded by Mika to

approve Policy 0166 - Agenda (2nd Reading) as presented. All in favor; none opposed. Motion carried.

15.0 - BOARD / ADMINISTRATION REPORTS

15.01 - CESA 12 DELEGATE UPDATE: None.

15.02 - PRESIDENT'S REPORT: The President's report to the Board contained the following: 1.) 2021 State Education Virtual Convention: January 20-22, 2021 - Registration opens November 1st; and 2.) A Board Workshop is being planned for November 19th. 15.03 - SUPERINTENDENT'S REPORT: The Superintendent's report to the Board contained the following: 1.) 2021 State Education Virtual Convention; and 2.) WASB provided Shelly Viater with a recognition award. 16.0 - UPCOMING DATES

16.01 - DATES TO REMEMBER: For the Month of October > October 30th - 1st Quarter Ends. For the Month of November > November 2nd - Staff In-Service Day (No Students); November 9th & 11th - Sub-Committee Meetings at 5:00 PM - District Office/Zoom Online; November 16th - Board of Education Meeting at 5:00 PM - District Office/Zoom Online; November 23rd - 27th - Holiday Break (No Students / School Staff); and November 30th - Staff In-Service Day (No Students).

17.0 - CLOSED SESSION: Motion by Kaulaity, seconded by Bochler to convene in closed session pursuant to Wisconsin State Statutes 19.85(1)(c) & (g) as specified. The Board convened in closed session for the purpose of discussing Superintendent goals and mutual expectations pursuant to Wisconsin State Statute 19.85(1)(c) - Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Roll Call Vote: Yes - Lunn, Mika, Moravchik, Viater, Bochler,

Jimla, and Kaulaity; No - None; Absent - None. All in favor; none opposed. Motion carried (7-0-0). President Moravchik requested a brief five (5) minute recess prior to convening in closed session.

18.0 - RETURN TO OPEN SESSION: Motion by Kaulaity, seconded by Viater to return to open session at 8:36 PM. All in favor; none opposed. Motion carried (7-0-0).

18.01 - CLOSED SESSION PUBLIC ACTION: No return to open session motions were documented.

19.0 - ADJOURN: Motion by Kaulaity, seconded by Lunn to adjourn at 8:37 PM. All in favor; none opposed. Motion carried (7-0-0).

SUBMITTED BY: Michelle Vuorenmaa, Executive Administrative Assistant and Sally Mika, Board Clerk/Closed Session Contributor.

11/24, 2020
WNAXLP

**BOARD OF ADJUSTMENT
PUBLIC HEARING
DECEMBER 3, 2020
COUNTY BOARD ROOM,
BAYFIELD COUNTY
COURTHOUSE
WASHBURN, WISCONSIN**

There will be a public hearing to take evidence in each case followed by a public meeting to make a decision in the preceding case.

Notice is hereby given that a public hearing will be held on **Thursday, December 3, 2020** at 9:00 a.m. in the County Board Room of the Bayfield County Courthouse, Washburn Wisconsin relative to the following item(s):

Case # 19-04B

Remand of a decision of the Board of Adjustment from the circuit court of Bayfield County: JOHN P. ANDERSON, Judge remanded back for further proceedings consistent with the court's opinion.

Board will conduct a de novo hearing on plaintiff's application.

James Fogarty, owner and Robert Eaton, Michael Furtak, agents requested a variance from the terms of Section 13-1-22(a)(5) a. 2. of the Bayfield County Zoning Ordinance.

Section 13-1-22(a)(5) a. 2. states: The total cumulative floor area of all structures within the shoreland setback area of the lot upon which the structure is to be located shall not exceed two hundred (200) square feet, excluding bathhouses and walkways.

Applicant request to allow an illegal structure (1-story) gazebo (12' x 12'=144 sq. ft) at a height of 13') to remain on the property, which exceeds the 200 sq. ft. cumulative floor area of all structures allowed in the shoreland setback area of the lot.

Applicant was sent a letter (12/7/2018) regarding notice of violation requiring removal of the unpermitted / illegal structure. Impervious Surface exceeds 15%.

Property is (R-RB) and (in a shoreland zone). Property consists of a 0.69-acre parcel (ID# 25066), described as Lot 1 of CSM 397, V. 859, P. 737, in Section 12, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, WI.

Status Report: Discussion of any court decisions for cases under review since the last meeting of the Board. (i.e. NA)

The Board of Adjustment agenda shall be as follows:

9:00 a.m. Call to Order
Review of materials contained in files of the above cases (if applicable)

timony from interested parties

Any person wishing to attend who, because of a disability, requires special accommodations, should contact the Planning and Zoning office at 373-6138, at least 24 hours before the scheduled meeting time, so appropriate arrangements can be made.

**MARK HOEFLING, CHAIRMAN,
BAYFIELD COUNTY BOARD OF
ADJUSTMENT**

Upon the completion of the public hearings, notice is served that the Board of Adjustment pursuant to Sec. 19.85 (1) (g) may go into closed session to confer with legal counsel for the Board who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved.

Note: Any person aggrieved by any decision of the Board of Adjustment, or a taxpayer, or any officer, department, board or bureau of the municipality, may within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by writ of certiorari.

11/17 11/24, 2020
WNAXLP

LEGAL NOTICE

Bayfield County will sell the following Real Property at Public Auction to be held online at www.WisconsinSurplus.com. Item #20696B-166. The sale will begin on November 5, 2020 and continue online until December 1, 2020. All bids must be submitted through the auction site. No other bids will be accepted.

Parcel Town of Bayview
Tax ID 6638
Legal Description E1/2 SW NE 30/49/04
Zoning AG-1
Appraised Value \$90,500

11/10 11/17 11/24, 2020
WNAXLP

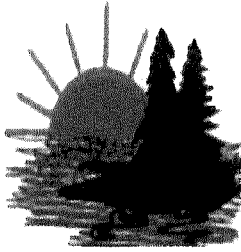
*Check us out
on the web*
Ashland Daily Press
ashlanddailypress.net

**NOTICE OF SPRING ELECTION
CITY OF WASHBURN
APRIL 6, 2021**

State of Wisconsin)
City of Washburn) ss.

**NOTICE OF TOWN OF
BARNES ELECTION**

Tuesday, April 6, 2021



BAYFIELD COUNTY PLANNING AND ZONING DEPARTMENT

Telephone: (715) 373-6138
Fax: (715) 373-0114
e-mail: zoning@bayfieldcounty.org
Web Site: www.bayfieldcounty.org/zoning

Bayfield County Courthouse
Post Office Box 58
117 East Fifth Street
Washburn, WI 54891

September 10, 2020

Ray Ebert
42860 Lake Ridge Rd
Cable, WI 54821

RE: BOA (Case #20-03B)

PROPERTY: A 0.40-acre parcel (ID# 25259) described as Lot 10, Young's Assessor's Plat, V. 427 P. 29, Section 21, Township 43 North, Range 6 West, Town of Namakagon, Bayfield County, WI (R-RB zoning district/in shoreland zone).

Mr. Ebert:

As you know the Bayfield County Board of Adjustment conducted a Public Hearing & Meeting on **August 27, 2020** where you informed the Board of your request for (2) variances.

Attached please find the findings, conclusions and decision of the Board **to deny this request**. Please note, persons aggrieved by any decision of a BOA may commence an action in circuit court under s. 59.694(10), Stats., or s. 62.23(7)(e) 10, Stats., within 30 days of the signed decision being filed in the board's office, seeking the remedy available by certiorari. The court may affirm or reverse (remanding the case to the BOA or modifying it, in whole or in part).

The Bayfield County Planning and Zoning Agency will record the decision denying it, setting forth the terms and the legal description of the property to which it pertains, with the Bayfield County Register of Deeds. The terms and conditions of the variance shall be binding upon and inure to the benefit of all current and future owners of such property.

Be advised; The deck that was added to the structure does not appear to have been permitted and was not part of the previous variance request. If we are mistaken; please provide the necessary permit(s) to show compliance. If nothing is presented, the department will require the said deck (structure) to be taken down, or an after-the-fact variance sought or meet the ordinance requirements by **Friday, October 30, 2020**. If you choose not to cooperate, I will have no other alternative then to proceed with enforcement actions. I sincerely hope this can be avoided.

If you need any further assistance, please call our office.

Sincerely,

Robert D. Schierman, Director,
Bayfield County Planning and Zoning Department

cc: Laura Bjork, Town Clerk
Office File

enc: decision

**DECISION OF VARIANCE
BY BOARD OF ADJUSTMENT**

On **August 27, 2020** the owner(s) was **denied (2) variance** by the Bayfield County Board of Adjustment.

Case #1 (#20-03B)

Ray A. and Heidi Ebert appeared before the Board of Adjustment on August 27, 2020 requesting two variances from the provisions of Section 13-1-22(b)(2) and 13-1-32(c) of the Bayfield County Zoning Ordinance.

Section 13-1-22(b)(2). states:

Private Road Setbacks. Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.

Section 13-1-32(c) state:

Impervious Surface Standards. For any riparian lot or parcel and any non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway, the construction, reconstruction, expansion, replacement or relocation of any impervious surface must meet the following requirements:

- (1) **Lots or Parcels with 15% or Less Impervious Surface.** Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface without the need for mitigation.
- (2) **Lots or Parcels with More than 15% but no More than 30% Impervious Surface.** Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Sec. 13-1-40, subsection (f) paragraph (9) of this Ordinance shall apply.
- (3) **Existing Impervious Surfaces.** For the existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in paragraphs (1) and (2) above, the property owner may do any of the following:
 - a. Maintenance and repair of all impervious surfaces.
 - b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope.
 - c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1)(b), Wisconsin Administrative Code.
- (4) **Treated Impervious Surfaces:** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations.
 - a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (5) **Calculation of Percentage of Impervious Surface:** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surfaces area of that lot or parcel and multiplied by 100.

Prior to this request the applicant(s) was granted an interpretation of zoning district by the Board of Adjustment (April 25, 1991). He was denied a variance to create (2) substandard lots (August 29, 1991). He was granted a variance to construct a new single-family rental dwelling (26' by up to 36') with tuck under garage a distance of 20' from the centerline of a private road (July 31, 1997).

Applicant seeks to exceed the expansion rights granted on the previous variance (1997) and instead of the tuck under garage as previously granted; he seeks to construct a new garage addition.

Applicant seeks a reduced setback of **20 feet from centerline of Lake Ridge Rd** instead of the required 40 ft. from centerline.

Applicant seeks 2nd variance for **47%** of Impervious Surface Standards instead of the required 30% maximum allowed.

The property is zoned (R-RB) (in shoreland zone). The property is a substandard lot consisting of 0.40-acres; Tax ID# 25259; described as Lot 10, Young's Assessor's Plat, V. 427, P. 291, Section 21, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, Wisconsin.

The applicant testified that he was seeking the variance(s) to expand the existing structure from a weekly rental to a year-round residence. The septic system was designed for a Three (3) bedroom home and he would be adding rain gardens to mitigate rainfall erosion.

The Town of Namakagon submitted a letter stating they had no objection to the variances request for a Twenty (20) foot set back the Lake Ridge Road. (Exhibit 2) The neighbors submitted letters in support (Exhibit 3). A proposed storm water management plan was submitted. The Planning and Zoning Department testified that the subject parcel is a .40-acre lot, identified as Lot 10 Youngs Assessors Plat (1979), is zoned Residential-Recreational Business (RRB), and is adjacent to Lake Namakagon, a Class 1 Lake. The current use of the property is seasonal residential, the current owner(s) maintain a vacation home on the subject lot. The development pattern in the area is comprised of Lakewood's Resort & higher density, small lot residential shoreland year-round vacation lake homes. The septic system servicing the residence was installed in 1997 under permit 297946 and has been properly maintained. The owners wish to add on to the residence. WI NR 115, the State's Shoreland Standards, requires limitations on impervious surfaces within 300' of navigable waters, and the subject property is within 300' of Lake Namakagon. The maximum impervious surface allowed on a lot is 30%. The

COPY

Return To:

Bayfield County Planning & Zoning

proposed construction would result in impervious surfaces of approximately 47%. The existing home was authorized by Variance 791. Variance 791 was issued on the condition that, "the construction be 26' by up to 36' residence with tuck under garage and be a single-family dwelling". The "10' x 26' Existing Deck" on the north side of the house, which the applicant wishes to enclose, was not part of the original approval and appears to have been built without a permit.

No one testified in opposition to the request.

The Bayfield County Planning and Zoning Department participated through Director Robert Schierman. Board of Adjustment members present were Chairman Mark Hoefling, Acting Vice Chair, Sheri Eggleston, Adrian Wydeven, Dennis Rassmussen and Rick Forsythe. Attorney Craig Haukaas appeared as Corporation Counsel.

FINDINGS OF FACT

1. The Bayfield County Zoning Ordinance 13-1-3 statement of purpose provides this chapter is adopted for the purpose of promoting convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty and to promote the better uses of scenic resource.
2. An area variance is a relaxation of dimensional requirements in a land use regulation. To grant a variance, the applicant must establish that all three criteria of a three-step test.
 - a. First, hardship is present where a dimensional requirement unreasonably prevents use of the property for a permitted use or is unnecessarily burdensome given the purpose of the ordinance. The hardship must be based on conditions unique to the property rather than considerations personal to its owner. An applicant may not claim hardship because of conditions which are self-imposed.
 - b. Second, compliance with ordinance requirements is prevented by unique physical limitations of the property which are not generally shared by other properties.
 - c. Third, a variance may not adversely affect public interests outlined in the purpose statement of the ordinance or other specific ordinance requirements.
3. Impervious Surface Standards set forth at Section 13-1-32(c) of the Bayfield County Zoning Ordinance as stated above ensure the statement of purpose contained in that document are followed in the variance application process.

CONCLUSIONS OF LAW

1. Exhibits presented are received as evidence and incorporated into this decision.
2. The dimensional requirements of the road set back provision of the Bayfield County Zoning Ordinance do not unreasonably prevent the use of the property.
3. The Impervious Surface Standards promote the general welfare and to further safe and healthy conditions. The applicant was previously granted a variance to meet concerns he had for this lot. It is not in the public interest to deviate so significantly from the ordinance requirements.
4. The applicant has failed to meet his burden of proof to satisfy requirements necessary for the granting of the requested variances.

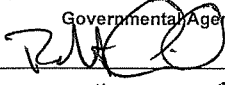
DECISION

Motion to deny the variances requested were made by Shari Eggleston and seconded by Adrian Wydeven. The vote was 3 in 2 in favor of the motion.

Filing of the Decision: Mark Hoefling, Chairman (September 9, 2020).

The purpose of this affidavit is to make the foregoing a matter of public record in the office of the Bayfield County Register of Deeds.

The Bayfield County Zoning Department, shall record the decision denying it, setting forth the terms and/or conditions of the variance(s) and a legal description of the property to which it pertains, with the Bayfield County Register of Deeds. The recording fee shall be paid by the applicant. The terms and conditions of the variance shall be binding upon and inure to the benefit of all current and future owners of such property, unless otherwise stated as part of a condition.

Bayfield County Planning and Zoning Department Governmental Official Printed Name and Title: Robert D. Schierman, Director	This instrument was signed before me in the State of Wisconsin, County of Bayfield On this ____ day _____, 2020
Governmental Agent(s) Signature:  This 10 th day of September, 2020	by: _____ Notary Public My commission expires on: _____

Receiving approval from the Board of Adjustment at the meeting does not authorize the beginning of construction or land use; you must first obtain land use application/permit card(s) from the Planning and Zoning Department.

BAYFIELD COUNTY BOARD OF ADJUSTMENT

Ray A. Ebert

DECISION ON REQUEST
FOR VARIANCES

August 27, 2020

Case No. 20-03B

RECEIVED
SEP 09 2020

Bayfield Co. Zoning Dept.

Ray A. and Heidi Ebert appeared before the Board of Adjustment on August 27, 2020 requesting two variances from the provisions of Section 13-1-22(b)(2) and 13-1-32(c) of the Bayfield County Zoning Ordinance.

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The property is zoned (R-RB) (in shoreland zone). The property is a substandard lot consisting of 0.40-acres; Tax ID# 25259; described as Lot 10, Young's Assessor's Plat, V. 427, P. 291, Section 21, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, Wisconsin.

The applicant testified that he was seeking the variance(s) to expand the existing structure from a weekly rental to a year-round residence. The septic system was designed for a Three (3) bedroom home and he would be adding rain gardens to mitigate rainfall erosion.

The Town of Namakagon submitted a letter stating they had no objection to the variances request for a Twenty (20) foot set back the Lake Ridge Road. (Exhibit 2) The neighbors submitted letters in support (Exhibit 3). A proposed storm water management plan was submitted. The Planning and Zoning Department testified that the subject parcel is a .40-acre lot, identified as Lot 10 Youngs Assessors Plat (1979), is zoned Residential-Recreational Business (RRB), and is adjacent to Lake Namakagon, a Class 1 Lake. The current use of the property is seasonal residential, the current owner(s) maintain a vacation home on the subject lot. The development pattern in the area is comprised of Lakewood's Resort & higher density, small lot residential shoreland year-round vacation lake homes. The septic system servicing the residence was installed in 1997 under permit 297946 and has been properly maintained. The owners wish to add on to the residence. WI NR 115, the State's Shoreland Standards, requires limitations on impervious surfaces within 300' of navigable waters, and the subject property is within 300' of

Lake Namakagon. The maximum impervious surface allowed on a lot is 30%. The proposed construction would result in impervious surfaces of approximately 47%. The existing home was authorized by Variance 791. Variance 791 was issued on the condition that, “the construction be 26’ by up to 36’ residence with tuck under garage and be a single-family dwelling”. The “10’ x 26’ Existing Deck” on the north side of the house, which the applicant wishes to enclose, was not part of the original approval and appears to have been built without a permit.

No one testified in opposition to the request.

The Bayfield County Planning and Zoning Department participated through Director Robert Schierman. Board of Adjustment members present were Chairman Mark Hoefling, Acting Vice Chair, Sheri Eggleston, Adrian Wydeven, Dennis Rassmussen and Rick Forsythe. Attorney Craig Haukaas appeared as Corporation Counsel.

FINDINGS OF FACT

1. The Bayfield County Zoning Ordinance 13-1-3 statement of purpose provides this chapter is adopted for the purpose of promoting convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty and to promote the better uses of scenic resource.
2. An area variance is a relaxation of dimensional requirements in a land use regulation. To grant a variance, the applicant must establish that all three criteria of a three-step test.
 - a. First, hardship is present where a dimensional requirement unreasonably prevents use of the property for a permitted use or is unnecessarily burdensome given the purpose of the ordinance. The hardship must be based on conditions unique to the property rather than considerations personal to its owner. An applicant may not claim hardship because of conditions which are self-imposed.

- b. Second, compliance with ordinance requirements is prevented by unique physical limitations of the property which are not generally shared by other properties.
 - c. Third, a variance may not adversely affect public interests outlined in the purpose statement of the ordinance or other specific ordinance requirements.
3. Impervious Surface Standards set forth at Section 13-1-32(c) of the Bayfield County Zoning Ordinance as stated above ensure the statement of purpose contained in that document are followed in the variance application process.

CONCLUSIONS OF LAW

1. Exhibits presented are received as evidence and incorporated into this decision.
2. The dimensional requirements of the road set back provision of the Bayfield County Zoning Ordinance do not unreasonably prevent the use of the property.
3. The Impervious Surface Standards promote the general welfare and to further safe and healthy conditions. The applicant was previously granted a variance to meet concerns he had for this lot. It is not in the public interest to deviate so significantly from the ordinance requirements.
4. The applicant has failed to meet his burden of proof to satisfy requirements necessary for the granting of the requested variances.

DECISION

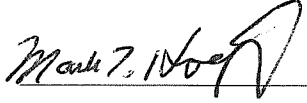
Motion to deny the variances requested were made by Shari Eggleston and seconded by Adrian Wydeven. The vote was 3 in 2 in favor of the motion.

RECEIVED
SEP 09 2020

BAYFIELD COUNTY BOARD OF ADJUSTMENT

Bayfield Co. Zoning Dept.

By



Mark Hoefling, Chairman

9/4/2020

Date

October 7, 2020



RECEIVED
OCT 07 2020

Bayfield Co. Zoning Dept.

From: Ray and Heidi Ebert

To: Bayfield County Board of Adjustment

Subj: Application for Reconsideration of Variance #20-03B.

In accordance with Bayfield County Zoning Ordinance 13-1-102A-(h) "Provisions for Reconsideration," we are requesting reconsideration of Variance #20-03B. After listening to the recording of the August 27, 2020, meeting, we believe data was misinterpreted and valuable questions were left unanswered.

During the closed portion of the meeting, it appears the board believed the proposed structure would result in 48% impervious surface *after* water mitigation plans. In fact, the quoted 48% is *before* mitigation efforts.

The proposal employs multiple rain gardens each of which is approximately 5' x 10' x 1' with an absorption rate of 1.63 inches per hour. Additionally, three 270-gallon rain barrels will assist in collecting and controlling roof runoff. These efforts further reduce the impervious surface by 10%. The result is 38% (not 48%) impervious surface.

According to Nelson Surveying, the lot currently consists of 43.5% impervious surface. The proposed remodel would result in 48% impervious surface, however the water mitigation plan reduces the impervious surface to 38%.

Currently there is no strategic water mitigation on this lot. While we can not control the water which falls on the paved surfaces surrounding the lot, our goal was to control all water which falls on our proposed structure, thereby significantly improving water mitigation on this lot. By working with Travis Tulowitzky in the Land and Water Conservation Department, we developed a plan to meet that goal.

Board members expressed concern about storm water management. Per Travis's August 25 letter, this plan does indeed provide adequate storm water management thru the use of rain barrels and rain gardens.

Under the existing deck is concrete, which was included in the original impervious surface calculation. Therefore the plan to enclose the existing deck area does *not* increase the amount of impervious surface on the lot, as was stated during the meeting.

A 16' x 24' existing concrete pad from an old garage will be removed.

ASD 10-9-20

Due to the shape of the lot and the paved roads which surround it, it is impractical to meet the 30% impervious surface demand which was imposed since the original structure was constructed and lot lines established. As is, there is currently 43.5% impervious surface. But by utilizing the proposed water mitigation plan, we can substantially reduce the impervious surface percentage.

As evidenced by supportive responses from the Town of Namakagon, Travis Tulowitzky, and our neighbors acknowledging our plan to responsibly control the water which falls onto our structure, this proposal causes no harm neighbors, community, or general public.

You've received letters from our neighbors and from the Namakagon Town Board indicating support of this project. We've worked with the Land and Water Conservation office to meet the increasing zoning demands in the most suitable manner for this unique property. If allowed to proceed with this proposal, the lot would be improved. The cabin's remodel would enhance aesthetics and comfort for family living. Water management would be significantly improved. As such we hope the Bayfield County Board of Adjustments embraces our endeavors to establish a well-planned, landscaped setting for our family and neighbors.

Ray A E

Heidi A Ebert

RECEIVED
NOV 25 2020

Bayfield Co. Zoning Dept.

Town of Namakagon
23845 County Highway M
Cable, WI 54821
715-794-2651
namakagon@cheqnet.net

November 18, 2020

Bayfield County Planning and Zoning Department
Att: Board of Adjustment
117 East Fifth Street
PO Box 58
Washburn, WI 54891

To Mark Hoefling, Bayfield County Board of Adjustment Chairman,

The Town Board of the Town of Namakagon received a notice of reconsideration for Ray Ebert by the Board of Adjustment. The Town Board reviewed these request again at the Comprehensive Plan Meeting and also the Town Board meeting.

The Ebert variance request was originally discussed at the Town Board meeting on August 18th. The Town Board sent a letter to the Board of Adjustment on August 19th stating no objection to the requested reduced road setback for Ray Ebert. Once again, the Town Board reviewed this variance request at their meeting on November 10th. The Town Board is supportive of the request from Ray Ebert.

This item will be addressed by the Board of Adjustment at their meeting on Thursday, December 3, 2020. Please take these recommendations into consideration in your decision making process at this meeting.

Sincerely,

Laura Bjork
Town of Namakagon Clerk

Robert Rasmussen, Town Chairman
715-580-0500, namchairman@cheqnet.net

Jack McGregor, Town Supervisor
715-580-0898, namsupervisor1@cheqnet.net

Jim Krueger, Town Supervisor
715-580-0826, namsupervisor2@cheqnet.net

BAYFIELD COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND MEETING

EXCERPT TRANSCRIPT:
CASE NO. 20-03B
APPLICANT: RAY EBERT

August 27, 2020

LOCATION: COUNTY BOARD ROOM
BAYFIELD COUNTY COURTHOUSE
WASHBURN, WISCONSIN 54891

APPEARANCES

BOARD MEMBERS AND STAFF

Mark Hoefling, Chairman
Shari Eggleson, Acting Vice Chair
Adrian Wydeven, Town of Namakagon
Richard Forsythe, Town of Iron
Dennis Rasmussen, Alternate
Tracy Pooler, Assistant Zoning Administrator
Robert Schierman, Director of Bayfield Planning and
Zoning Department
Craig Haukaas, Attorney for Board of Adjustment

COURT REPORTER: DEBORAH D. DREAWVES

EXHIBITS

Case 20-03B: Ray Ebert, Applicant

Exhibit Number 1:
Application for Board of Adjustment

Exhibit Number 2:
Town of Namakagon Letter/Correspondence

Exhibit Number 3:
Letter from Travis Tulowitzky

Exhibit Number 4:
Series of email messages between Travis Tulowitzky and
Gary Kastner

Exhibit Number 5:
Email message from Robert Rasmussen

P R O C E E D I N G S

(The following portion of the proceedings commenced at 9:15 a.m.)

MR. HOEFLING: At this time we will have the swearing in. Anyone who is going to present or speak this morning, please come forward and be sworn in. We ask that you stay up here until we get your name and address.

(The oath was administered at this time.)

MR. RASMUSSEN: Robert Rasmussen, Chairman of the Town of Namakagon plus a resident to the -- near the Ebert's home.

MS. EBERT: Heidi Ebert, West Salem, Wisconsin.

MR. EBERT: Ray Ebert, West Salem, Wisconsin.

(Also sworn, Robert Schierman, Director of Bayfield Planning and Zoning; Tracy Pooler, Assistant Zoning Administrator; and Craig Haukaas, Attorney for the Bayfield County Board of Adjustment.)

MR. SCHIERMAN: Our setup is a little different today, so when we do our presentations when we get called up, we're going to speak from this location right here (indicating).

MR. HOEFLING: We will now start with the presentation of case number 1, case number 20-03B, Ray Ebert, Namakagon. Two variances to construct a two-story residential addition, 24x26 feet, with deck, 12x24, attached

1 one-story garage, 16x24 feet, and enclose existing deck, a
2 distance of 20 feet from centerline of private road, and
3 exceed 30% maximum allowed for impervious surfaces.

4 Vice Chairman.

5 MS. EGGLESON: Would you like me to stamp Exhibit
6 1?

7 MR. HOEFLING: Yes, please.

8 MS. EGGLESON: And that's the application packet.
9 (Exhibit Number 1 marked for identification.)

10 MR. HOEFLING: And then the town board
11 correspondence, did you get that?

12 MS. EGGLESON: I have that.

13 MR. HOEFLING: And the date it was signed and
14 received?

15 MS. EGGLESON: Yes. The town correspondence was
16 dated August 19th and received August 25th.

17 MR. HOEFLING: Any other correspondence?

18 MS. EGGLESON: Yes. I'll get to that in a moment.
19 (Exhibit Number 2 was marked for identification.)

20 There is also a letter to Mr. Ebert from
21 Conservation Technician, Travis Tulowitzky, dated August
22 25th and received August 25th, and that's going to be
23 Exhibit Number 3. Number 2 was the town letter.

24 (Exhibit Number 3 was marked for identification.)

25 There is one more. There's a memorandum, a series

1 of memorandums, or email messages, rather, between Travis
2 Tulowitzky and Gary Kastner concerning the proposed rain
3 gardens, and those are dated August 14th and August 24th,
4 and I will be stamping those as Exhibit Number 4.

5 (Exhibit Number 4 marked for identification.)

6 And that's it for exhibits for now.

7 MR. HOEFLING: Okay, thank you.

8 Applicant, Agent, you may come forward and present
9 your case. Please state your name for the record. Anything
10 presented during this presentation will be kept as part of
11 the record.

12 MR. EBERT: Ray Ebert, I'm the applicant. We are
13 presently living in West Salem and we want to move up back
14 to Cable where I'm from, and right now the cabin is a weekly
15 rental and it's quite small and we would kind of like to
16 increase in size and have a nice year-round home.

17 I think one of the bigger parts is the water and
18 mitigation or management, or whatever, and the property is
19 surrounded by black top, which I -- which kind of makes it
20 extremely difficult in order to get down to your 30%
21 addition percentage, so what our plan is is to put in rain
22 barrels and rain gardens to take 100% of the roof surface,
23 which I believe is about 20 -- 20 square feet. I'm not a
24 technical genius about this stuff. This is stuff Travis
25 told me. We certainly appreciate your consideration.

1 MS. EBERT: My name is Heidi Ebert, and like my
2 husband said, this is something we've looked forward to for
3 a long time in making the town of Namakagon our permanent
4 home and realizing that it's difficult to control the water
5 that flows onto the black top, like he said. Our role is to
6 work with the County in the best way possible to control all
7 of the water that does fall onto our roof, our structure,
8 and come to an agreement as to how we can best manage that
9 for everyone's sake, so thank you for your service to the
10 County and for considering our case. Thanks.

11 MR. EBERT: Chairman, I just want to be brief.
12 Currently we are treating no water, so the water that we
13 would do, that is, and I don't know, it's hundreds of
14 gallons of water, but now we know it to be manageable, so I
15 think that's a plus for the application. Thank you.

16 MR. HOEFLING: Thank you.

17 MR. HOEFLING: Planning and Zoning Department,
18 please come forward and present. Please state your name for
19 the record. Anything presented during this presentation
20 will be kept as part of the record.

21 MR. SCHIERMAN: Good morning, I'm Rob Schierman,
22 Director of Planning and Zoning for Bayfield County. The
23 subject parcel is a .4 acre lot defined as Lot 10, Youngs
24 Assessor's Plat from 1979. It is zoned residential,
25 recreational, business, and is adjacent to Lake Namekagon, a

1 class 1 lake. The current use of the property is seasonal
2 residential. The current owner maintains a vacation home on
3 the subject lot. The development pattern in the area is
4 comprised of Lakewoods Resort and higher density, small lot,
5 residential shoreland, year-round, and vacation lake homes.
6 The septic system serving the residence was installed in
7 1997 under permit number 297946, and has been properly
8 maintained since installation. The owners wish to add onto
9 the existing residence. Wisconsin NR 115, the state
10 shoreland standards, requires limitations on impervious
11 surfaces within 300 feet of navigable waters. The subject
12 property is within 300 feet of Lake Namekagon. The maximum
13 impervious surface allowed on a lot is 30% without a
14 variance. The proposed construction would result in
15 impervious surfaces of approximately 47%. The stormwater
16 management plan has been submitted by the Land and Water
17 Department to address some of the stormwater concerns.

18 The existing home is authorized by variance 791. I
19 believe that was in 1997. Variance 791 was issued on the
20 condition that the construction be 26x36 feet residential
21 with tuck-under garage and be a single-family dwelling. The
22 10x26 existing deck on the north side of the house, which
23 the Applicant wishes to enclose, was not part of the
24 original approval and appears to have been built without a
25 permit. If the Board is inclined to approve the request,

1 the Zoning Department would like to see a survey of the
2 layout of the building site to ensure that approved setbacks
3 are maintained.

4 That's all I have.

5 MR. HOEFLING: Thank you.

6 MS. EGGLESON: Would this be the time that we ask
7 questions or will that be during our discussion?

8 MR. HOEFLING: You can ask Rob questions now.

9 MS. EGGLESON: Do you prefer I ask the questions
10 now or later during the discussion?

11 MR. SCHIERMAN: Now is good.

12 MS. EGGLESON: Okay. Well, I have one about the
13 impervious area calculations. There is something about that
14 that kind of puzzled me.

15 MR. SCHIERMAN: Page 6, 5 and 6.

16 MS. EGGLESON: Yes, thank you. So there are a
17 number of items listed with the square footage listed for
18 each, but there are a couple of them that are just listed as
19 "existing," and there's no square footage given, and I was
20 wondering why there was no square footage given for those.
21 I guess it's the sidewalks and patio and driveway. And
22 also, for that matter, there's a couple of nonapplicable,
23 and I'm not sure why those are not applicable.

24 Can you address that, Rob?

25 MR. SCHIERMAN: That I would have to defer to Tracy

1 Pooler who reviewed this and has been on the site. He is my
2 Assistant Zoning Administrator for this other part of the
3 County.

4 Tracy.

5 MR. POOLER: Yeah, as far as the ones that say
6 "existing," they were calculated in the numbers up above for
7 like the driveway. The driveway, they are not going to be
8 adding anything more to it or to the sidewalks. They were
9 in the numbers higher up on the page.

10 MS. EGGLESON: Oh, okay, the existing sidewalks, et
11 cetera, the existing driveway, --

12 MR. POOLER: Correct.

13 MS. EGGLESON: -- is included in that?

14 MR. POOLER: Yep.

15 MS. EGGLESON: Thank you.

16 MR. POOLER: And there are no other structures on
17 the property and there is no other -- there is no accessory
18 garage on this property either.

19 MS. EGGLESON: Okay, thank you.

20 MR. HOEFLING: Any other questions for Zoning?

21 MR. WYDEVEN: So the mitigation is just for the
22 additions itself, not for any other impervious surfaces,
23 we're only talking about a 10% reduction in run-off or
24 run-off from the impervious surfaces?

25 MR. SCHIERMAN: Yeah, the stormwater management

1 plan addresses the property as a whole, and with the plan
2 that they are proposing they would be able to reduce or
3 infiltrate 10% of the impervious surface.

4 MR. WYDEVEN: I did find it challenging looking at
5 the maps not having a contour into the map for this kind of
6 a location where you're on top of the hill and you're
7 planning activities along that hillside. I guess that's not
8 necessarily part of the requirement, but it seems like it
9 would have been really useful in the planning here to have
10 had some kind of a contour map of this -- the copy.

11 MR. SCHIERMAN: Yeah, I apologize for not including
12 a topo map.

13 MR. HOEFLING: Any other questions for Zoning?

14 MS. EGGLESON: Mr. Chair, I have one more question.

15 Was I supposed to read those other exhibits, the
16 correspondence, our packets? We did copies of each of
17 those, so perhaps it's not necessary to read them since we
18 all have them, but if you want me to, I will.

19 MR. HOEFLING: I don't think we need to.

20 Okay, anyone sworn in and in opposition of the
21 application, please come forward. Please state your name
22 for the record. Anything presented during this presentation
23 will be kept as part of the record. Anyone in opposition?

24 (No responses.)

25 Anyone in opposition?

1 (No responses.)

2 Anyone sworn in and in support of the application,
3 please come forward. Please state your name for the record.
4 Anything presented during this presentation will be kept as
5 part of the record.

6 MR. RASMUSSEN: Robert Rasmussen, I'm the chairman
7 from the Town of Nemaagon. We did receive the variance
8 request from the Zoning Committee. We thank you for your
9 time in fashioning that and getting that to us. We had a
10 chance for copying that to our planning people and the town
11 board to discuss the issue. We have sent you a letter.
12 I'll just basically read it to you real quick.

13 "The Town Board of the Town of Namakagon received a
14 variance request notification for Ray Ebert to request to a
15 lessor setback than required by the ordinance. This is
16 being addressed by the Bayfield town meeting today. The
17 Town Board of the Town of Namakagon has no objection to the
18 requested reduced road setback for Ray Ebert. Please take
19 this into consideration for your discussion today."

20 So the Town of Namakagon, our comprehensive
21 planning committee, looked at -- we looked at the stormwater
22 plan and we are in approval of it.

23 Also, I am Ray Ebert's nearest resident, Robert
24 Rasmussen. My wife, Corinne, and I live adjacent to them.
25 I emailed a letter -- I'm surprised it is not of record,

1 maybe you have it there -- to the Board of Adjustment. It
2 so reads:

3 "We support the variance request for the Ray Ebert
4 family to remove existing structure from weekly rental and
5 to remodel for their home, year-round residence. The
6 variance does not -- excuse me -- the variance could not
7 cause any problems for road maintenance, traffic flow, or
8 emergency service. While this property does not have
9 lakeshore, there is understandable concern about the water
10 run-off into Lake Namekagon. We have no observed issues in
11 the past and understand this variance request includes a
12 plan to further manage rainwater fallout."

13 So we're in support of that.

14 You should have -- did you ever receive one from my
15 brother, Hans Rasmussen, and Lynn Rasmussen, as well, via
16 email? Do you have any record on that?

17 MR. SCHIERMAN: I believe that was in the
18 correspondence filed in this.

19 MR. RASMUSSEN: I'd like to have that read on the
20 record. They could not be here today, but they want to make
21 sure that their support of the project goes on record. The
22 names are Hans and Lynn Rasmussen. They are the two
23 property owners that are -- the only two property owners
24 that are adjacent to the Ebert residence.

25 MR. HOEFLING: Is it from the Town of Namakagon?

1 MR. RASMUSSEN: We have the Town of Namakagon one
2 from the town board, and you should have one from Robert and
3 Corinne Rasmussen, and you should have one from Hans and
4 Lynn Rasmussen in support of the variances.

5 MR. HOEFLING: I don't remember seeing that.

6 MR. RASMUSSEN: It was emailed a couple days ago to
7 the office.

8 MR. SCHIERMAN: There's a packet of correspondence
9 that was presented today that has Travis' mitigation letter
10 in it, so it should be beyond that.

11 MS. EGGLESON: Oh, those are the email messages?

12 MR. SCHIERMAN: Yep.

13 MS. EGGLESON: Those, okay. And so there is
14 request that I read one of these? Which --

15 MR. RASMUSSEN: Just the one from Hans and Lynn
16 Rasmussen.

17 MR. HAUKAAS: Vice Chair, is that marked as an
18 exhibit?

19 MS. EGGLESON: It is.

20 MR. HAUKAAS: And what exhibit number is that?

21 MS. EGGLESON: That's Exhibit 4.

22 MR. HAUKAAS: Thank you.

23 MS. EGGLESON: Here we go, yes, the third page of
24 Exhibit 4 is a letter or message from Hans Rasmussen, and it
25 reads, in its entirety:

1 "As an adjacent property owner, I have no objection
2 to Mr. Ebert's request for two variances. Having his
3 property become a single-family residence, and no longer a
4 rental, will improve traffic, privacy, et cetera. Also,
5 there are no issues with the impervious surface standards.
6 Hans Rasmussen."

7 MR. RASMUSSEN: Do you have a copy of the one from
8 me, as well, or should I present that to you at this time as
9 an exhibit? I can just give you a copy.

10 MS. EGGLESON: I think you better.

11 MR. RASMUSSEN: And make this part of this exhibit,
12 please?

13 MS. EGGLESON: I would be happy to.

14 MR. RASMUSSEN: Okay, anybody have any questions of
15 me? I'd be happy to answer any questions I can and be happy
16 to the approval of this request.

17 MS. EGGLESON: An August 26th letter from Robert
18 and Corinne Rasmussen is marked as Exhibit Number 5 and will
19 be received.

20 (Exhibit Number 5 was marked for identification.)

21 MR. RASMUSSEN: I have nothing more for the Board
22 unless anyone has any questions --

23 MR. HOEFLING: Any questions?

24 MR. RASMUSSEN: -- of me.

25 (No responses.)

1 MR. RASMUSSEN: Thank you for your time.

2 MR. HOEFLING: Thank you.

3 The Board will now close the public hearing in this
4 matter and convene in open session for discussion and to
5 render a decision.

6 MR. HAUKAAS: Mr. Chair --

7 MR. HOEFLING: Is there a motion?

8 MR. HAUKAAS: -- we need a motion to --

9 MR. HOEFLING: What's that?

10 MR. HAUKAAS: We need a motion to go out of
11 session.

12 MR. HOEFLING: Yeah, a motion to adjourn public
13 hearing.

14 Was there a motion to adjourn the public hearing?

15 MS. EGGLESON: I will so move, Shari Eggleson.

16 MR. HOEFLING: Is there a second?

17 MR. FORSYTHE: Rick Forsythe, I'll second that.

18 MR. HOEFLING: Any discussion?

19 (No responses.)

20 Those in favor?

21 (The Board was unanimous: Aye.)

22 MR. HOEFLING: I guess we should have voted left to
23 right, but.

24 Okay, we are convened in open session for
25 discussion and a decision in the matter of the variance

1 appeal. State applicant's name for the record, the
2 applicant's name is Ray Ebert. The Applicant has two
3 variances before the Board today. If more than -- okay,
4 which variance are we going to talk about first? Is there
5 any preference?

6 MR. FORSYTHE: I have a quick question for the
7 Zoning Department on the impervious surface, I just want to
8 make sure I understand correctly. So as I look at it from
9 the drawing provided and the calculations on the impervious
10 surface, the new deck that's being placed is actually going
11 in the same place as the concrete pad right now, and that
12 concrete pad on the plan shows that it's being removed, so
13 that 288 square feet is existing already, and in my mind,
14 the concrete pad is more impervious than a deck because the
15 deck has slats and therefore would let some water run
16 through it, but I just want to verify that I'm correct in
17 that, that 288 square feet of new deck is replacing the
18 existing concrete pad.

19 MR. SCHIERMAN: Tracy.

20 MR. POOLER: (No response.)

21 MR. SCHIERMAN: Tracy.

22 MR. POOLER: Yeah, I'm sorry, I'm trying to discern
23 the -- and I'm just looking at the drawing that has been
24 provided, this architectural design that shows the layout of
25 the rain gardens also, in that it shows off to the one

1 corner where the new deck is going, it says, "remove
2 concrete pad," and they look like they are in the same
3 footprint. I am not remembering how that -- how those
4 numbers go together at this time. Mr. Ebert might be able
5 to illuminate better what's underneath that open deck that's
6 right -- whether its a driveway or not.

7 MR. HAUKAAS: Mr. Chair, if the Board wants to take
8 additional information from the Applicant, we could move to
9 suspend the rules.

10 MR. HOEFLING: Okay, I move to suspend the rules,
11 is there a second?

12 MR. WYDEVEN: Second, Adrian.

13 MR. HOEFLING: Vote left to right.

14 MS. EGGLESON: Aye.

15 MR. HOEFLING: Aye.

16 MR. WYDEVEN: Aye.

17 MR. RASMUSSEN: Aye.

18 MR. FORSYTHE: Aye.

19 MR. HOEFLING: Please come forward. State --

20 MR. EBERT: Restate your question, sir?

21 MR. HOEFLING: Please state your name, please.

22 MR. EBERT: Oh, Ray Ebert.

23 MR. FORSYTHE: Yeah, again, so on the drawing that
24 was provided, you know, where it showed the layout of the
25 rain gardens, and then I'm looking at the calculations of

1 the impervious surface that was part of our packet, on the,
2 I guess it would be, the northwest corner of the existing
3 cabin it shows that they are removing an existing concrete
4 pad, and right over that area it looks like that's where the
5 new deck is going, am I understanding that correctly?

6 MR. EBERT: Yes.

7 MR. FORSYTHE: The pad comes out and the new deck
8 goes in in its place?

9 MR. EBERT: Yes, sir. The deck, obviously, is one
10 story up; underneath, the existing pad, was from an old
11 garage many, many years ago, and that's what we've taken
12 out.

13 MR. FORSYTHE: Okay, so in the impervious
14 calculation, then, that 288 square feet, the deck is
15 replacing that concrete pad? That's what I wanted to
16 verify.

17 MR. EBERT: I guess so, yes. Again, I'm not the
18 impervious --

19 MR. FORSYTHE: That's what the drawings would show
20 --

21 MR. EBERT: Yeah, the deck would be --

22 MR. FORSYTHE: -- is the deck would be the same
23 size.

24 MR. EBERT: -- would be, so, far apart, the boards,
25 so water can go through, from what I understand.

1 MR. FORSYTHE: Yeah, you'll have normal gaps in
2 your --

3 MR. EBERT: Correct.

4 MR. FORSYTHE: -- deck like any other deck would
5 have, okay.

6 MR. EBERT: Yes, sir.

7 MR. FORSYTHE: Okay, thank you.

8 MR. HOEFLING: Any other --

9 MS. EGGLESON: I have another question related to
10 that, then, Mr. Ebert. Do you know whether the footage for
11 that existing concrete pad whether that was included on the
12 impervious surface tables calculations under existing
13 sidewalks, patios, and decks?

14 MR. EBERT: I do not know.

15 Mr. Chair, do you want me to stay?

16 MR. HOEFLING: Any other questions for the -- for
17 Mr. Ebert?

18 (No responses.)

19 Okay, thank you.

20 MR. EBERT: Thank you.

21 MR. HOEFLING: Okay, I guess we'll start -- I'll
22 ask each, I guess, each one of us will have to explain what
23 their thinking. We'll start with Adrian.

24 MR. WYDEVEN: I guess I don't -- I don't have any
25 problems with variance as far as distance from the road.

1 I'm a little concerned about impervious surface, and I, just
2 a matter of law, that, or being asked to approve of 47%
3 impervious over the maximum of 30%, and it looks like the
4 mitigation factors are addressing about 10% of the
5 impervious surface, so we're asking for -- there's quite a
6 major increase in the amount of impervious surface over what
7 the law allows us to approve, and I'm wondering if there's
8 adequate water -- stormwater management to address the fact
9 that it's 17 points above what the maximum allows us to --
10 to authorize, so I guess I do have some concerns about that
11 and whether the law really allows us to do that, so, I guess
12 just to express that concern.

13 MR. HOEFLING: Mr. Rasmussen, (Dennis Rasmussen).

14 MR. RASMUSSEN: Yeah, I understand your concern and
15 I'm not sure -- according to the information we got from
16 Travis, the architectural guy, that is only 10% -- is it
17 equivalent to 10% more protection than it is already?
18 That's my understanding. It looks like, as far as I'm
19 concerned, it looks like the applicant had to take in the
20 initiative to provide information that should somewhat prove
21 to us that he has considered the extra garden drainings so
22 that they don't have any issues with it. I know the site is
23 restricted because of the terrain, and apparently been there
24 for some time, and apparently has had no (indiscernible)
25 problems or anything like that from in the past, so I'm

1 assuming it should be sufficient to handle the addition.

2 MR. HOEFLING: Mr. Forsythe.

3 MR. FORSYTHE: Well, I guess, as I look at it, I
4 mean, I'm looking at what is existing now and what is
5 proposed, and, again, I agree that the homeowner is taking
6 the initiative to try to find out the grand plan to control
7 run-off as much as possible, and, again, that impervious
8 surface, I mean, he's being penalized somewhat by the
9 existing private-paved roadway, or private-paved access,
10 because that's part of that calculation of 47%, as the
11 Applicant states. I mean, they're taking care of the water
12 of their addition, so they're doing what they can. I mean,
13 it's not including the existing paved road, but they are
14 taking care of what is proposed for the addition, as the way
15 I've read all of this, and, again, that 288 square feet I
16 talked to him earlier, which is now a concrete pad, which
17 would become a deck, I don't really -- I understand legally
18 it's an impervious surface, but then again, water will flow
19 through it because it's got slats, and that's 18%, if my
20 math is correct, above the impervious surface. So I guess
21 that would be my only point is that this Applicant has done
22 all they could to mitigate any effects of this improvement,
23 and, again, I do think that it's going to be a hardship to
24 them to try to, you know, live in that existing cabin as it
25 is. It's just because of size, but, again, I just, as far

1 as impervious surface goes, a portion of it is being
2 improved by my -- well, two ways of being improved, improved
3 that it's not concrete pad, now it's a deck and water flows
4 through it, and, number two, these rain gardens that this --
5 I'm sure its quite a big investment being put in place to
6 try to take care of all of the water that would run off of
7 the new proposed surface. The roadway is there already, and
8 that would be something I think has to be discounted a
9 little bit as far as this Applicant goes, because that
10 roadway runs through their property.

11 MR. HOEFLING: Once that pad is removed, the water
12 will run, you know, through the deck and through that soil,
13 because that, that's, I mean, quite a large area of soil
14 that is going to absorb moisture, you know, that wasn't
15 available before, and I agree they have done everything they
16 could do and it looks like a reasonable plan to me, for that
17 part anyway. There are two variances here, so.

18 Shari?

19 MS. EGGLESON: Yeah, well, it seems to be there's a
20 consensus that the Applicant has done about all that can be
21 done to mitigate the impervious surfaces, and I don't really
22 have a disagreement with that. I would not -- just with
23 respect to one small point that is discussed is that there
24 is a new deck replacing an old concrete pad and that should
25 be improving the impervious surface situation, at the same

1 time, and on a related note, there's a part of the
2 application that is a proposal to enclose the existing deck,
3 which I assume includes a roof, and so that impervious
4 surface will be increased with the other deck because we're
5 losing the (indiscernible) on the deck, so those two things
6 seem to me to be about a wash and I don't think there's a
7 big improvement we can look for there. So given that the
8 Applicant has probably done about all that can be done to
9 mitigate impervious surfaces, I think that remains that
10 there simply would be excessive impervious surfaces, and if
11 we look at the legal criteria we're supposed to follow,
12 we're supposed to be considering variance when compliance
13 prevents the owner from using the property for a permitted
14 purpose. Residence is clearly a permitted purpose, and
15 although the Applicant would understandably like a larger
16 house, there is a two-bedroom on the property that was
17 permitted by variance back in '97 and it included a garage,
18 a tuck-under garage, and it seems to me that that residence
19 with that garage, which was permitted by variance in '97, is
20 arguably, if an adequate and should be acceptable use of the
21 property, I don't think the variance can be justified
22 because I think that permitted use of the property is
23 possible, very possible, without it. So, I don't think -- I
24 don't think that we've met the legal test for this variance.

25 MR. HOEFLING: Okay. Does this application meet

1 the necessary hardship criteria? And then...

2 Any thoughts on a necessary hardship?

3 MR. RASMUSSEN: It sounds to me as though the usage
4 of this building has become more residential than it has
5 been rental property, so change of use. If a person can
6 live here, they will need a garage, and because the size of
7 their family, adding another bed or two. The system is
8 already large enough -- the sewer system is large enough to
9 handle it. It's still -- and because that lot is so
10 handicapped of space, I just don't see it being a problem.

11 MR. FORSYTHE: And one thing, I guess I'd say, Mr.
12 Chairman, too, is that this lot, like so many other lots in
13 our county, you know they were built back when the zoning
14 standards are not the same as they are on this date, so
15 there is no way this lot could meet most setbacks and
16 requirements of new zoning laws, and, I may disagree with
17 some of the other members here, I think there is still the
18 right of the owner to have use of their land, and I do feel,
19 again, if you do all that you can to mitigate the
20 improvements that are looked to be done, you have support of
21 the local town board, you have support of the local
22 neighbors -- there are dozens and dozens and dozens of lots
23 like this in Bayfield County, and I think if you took a poll
24 in Bayfield County and asked every landowner if they should
25 be restricted, I think you'd be surprised of how many people

1 would be against it. There are so many restrictions.
2 Again, I mean, the lot is what the lot is. These zoning
3 ordinances had been put on top of that, not the way it was
4 first laid out, I mean, so now new standards have come up,
5 but I think that's why we're granted the ability to grant a
6 variance, and, again, I think the Applicant has done as much
7 work as he can do here in trying to mitigate as much as
8 possible. In my mind, I would support what the Applicant is
9 asking.

10 MR. HOEFLING: And it seems to be unique
11 limitations with the roads, I mean, you know, on both sides.
12 They are limited by the roads to do what they want to do.

13 Would the proposed variance result in harm to the
14 public interest?

15 Shari.

16 MS. EGGLESON: Well, I believe that, looked at
17 cumulatively, it would. I mean, the reason for this
18 impervious surface restriction is to keep erosion from
19 degrading our lakes, and even though the impact of this
20 particular project would probably barely be noticed, if
21 every property owner were allowed to have 47% impervious
22 surfaces, I think there would be a significant degradation
23 of water quality in our lakes. That cumulative assessment
24 is how we are supposed to look at it and is why the zoning
25 ordinance is adopted the way it is, so, yeah, I think it

1 does have a long-term cumulative adversary there.

2 MR. HOEFLING: Adrian.

3 MR. WYDEVEN: I guess I had that concern, as well,
4 that, potentially, long-term effects could occur from this
5 property. I'm very sympathetic to the landowner here and
6 their wanting to improve their property, I guess, just based
7 on law and our decision-making process in hardship, it
8 doesn't quite qualify as a hardship and it does have risks
9 of public degradation of a resource, so I do have some
10 concerns along those lines too.

11 MR. HOEFLING: Mr. Rasmussen.

12 MR. RASMUSSEN: I'm not going to answer, thank you.

13 MR. HOEFLING: Mr. Forsythe.

14 MR. FORSYTHE: The question, or as far as it's a
15 harm to public interest, no, I do not feel it's a harm to
16 public interest. Again, I think they've mitigated their
17 improvements. The roadway is there. I guess I would look
18 at what's there now versus what's proposed as far as these
19 rain gardens are going to take care of. I come back with
20 this letter again from Bayfield County, the Land and Water
21 Conservation Department, and in the last paragraph it states
22 that the rain gardens basically do take into account what
23 has been added by the landowners, the way I read it. Again,
24 it doesn't address the road because the road was there
25 already.

1 MR. HOEFLING: Anybody else have any thoughts on
2 any of these criteria?

3 (No responses.)

4 What about enclosing the deck, that's the other
5 variance, I believe, isn't it, to enclose the deck? That's
6 the other variance?

7 MR. HAUKAAS: That's part of the plan, that
8 wouldn't need a variance in and of itself.

9 MR. FORSYTHE: It's part of the impervious surface.

10 MR. HAUKAAS: That's part of the question --
11 variance of the impervious surface.

12 MS. EGGLESON: The second variance request, I
13 think, has to do with the setback from the private road.

14 MR. HOEFLING: Yeah, you're right, yeah.

15 The deck is already there. I mean, that -- the
16 deck is already built; right?

17 MR. FORSYTHE: Right; simply, it's being enclosed,
18 yes. That's part of the addition of the home, is the way I
19 read it.

20 MR. HOEFLING: And because it's 20 feet from the
21 centerline, you can't put a roof on it; is that right?

22 MR. HAUKAAS: Well, that really doesn't have
23 anything to do with the location of the deck or the cover,
24 it's just whether it modifies the impervious surface.

25 MR. HOEFLING: Okay.

1 MR. HAUKAAS: And whether the variance would be 20
2 feet away from the roof for the new construction would be
3 for this discussion.

4 MR. HOEFLING: All right.

5 MR. SCHIERMAN: Mr. Chair.

6 MR. HOEFLING: Yes.

7 MR. SCHIERMAN: The deck in question, we don't have
8 a record of a permit for. It's not part of the original
9 application. Enclosing that that we don't have a permit
10 for, would encroach on the setback to the centerline of the
11 private road. They are seeking a variance to enclose the
12 deck that was not part of the original proposal, because
13 that structure will be at less than the setback required by
14 ordinance.

15 MR. HOEFLING: Okay, thank you.

16 Any other thoughts?

17 MR. WYDEVEN: I'm just wondering, that the
18 stormwater management allows for 10% of the impervious
19 surface to be captured, is it possible to expand on
20 stormwater management including rain gardens so that greater
21 percentage to get it closer down to the 30% impervious
22 surface that would be drained and treated through the
23 stormwater draining system? I'm not sure if Rob can answer
24 that, or Tracy.

25 MR. SCHIERMAN: I don't know that either one of us

1 has the technical expertise to answer that.

2 MS. EGGLESON: I would speculate, and I'm afraid
3 that's all this is, that it's either price prohibitive or
4 technically impossible or I think the Applicant would have
5 proposed it to get in closer to the legal standard and avoid
6 the dilemma of not being able to implement this project, so
7 I suspect it's close to impossible to improve on that, so
8 that's just -- that's my hunch given what we have before us.

9 MR. HOEFLING: Now, if they don't enclose the deck,
10 that would -- that what's underneath that would be soil or
11 pave or that would not be impervious then.

12 MR. HOEFLING: Anymore discussion?

13 MS. EGGLESON: Well, I suppose we could start
14 taking the proposal apart, I mean, there are different
15 pieces to this. There's a garage, there's a bedroom
16 addition, there's a new deck, there's enclosing the old
17 deck, and I suppose changes to that would improve. I think
18 that's what you're suggesting --

19 MR. HOEFLING: Yes.

20 MS. EGGLESON: -- to improve, at least, the
21 impervious situation. I'm a little reluctant to do that. I
22 guess my preference would be to deny this application, but,
23 obviously, leave the Applicant free to come back in with an
24 application which scales back the scope of the home
25 expansion, and therefore has a smaller increase in

1 impervious surfaces. It seems to me that's their decision
2 to make, not ours. I don't want to start saying that the
3 deck is less important than the bedroom or the garage or...

4 MR. HOEFLING: Okay, any more thoughts?

5 MR. FORSYTHE: I have a quick question for Rob for
6 the zoning. So is it a legal definition that a deck is an
7 impervious surface no matter what it's made of or how it's
8 built; is that correct, Rob?

9 MR. SCHIERMAN: Decks built with quarter-inch
10 spacing between the decking boards, provided they have an
11 impervious surface below, if they're maintained, are
12 considered impervious -- or considered pervious.

13 MR. FORSYTHE: Okay.

14 MR. SCHIERMAN: Less than quarter-inch spacing
15 would be impervious. Quarter-inch spacing and greater is
16 pervious, and we do look at what's below.

17 MR. FORSYTHE: So if it's just dirt, or maybe rock
18 below to keep from splattering, it still can drain through,
19 would be pervious?

20 MR. SCHIERMAN: That's correct.

21 MR. FORSYTHE: Thank you.

22 MR. HAUKAAS: Mr. Chair, just a point for
23 proceeding.

24 MR. HOEFLING: Yes.

25 MR. HAUKAAS: If a motion is called for either to

1 approve or deny, it should specifically address the
2 pre-criteria, either approval or opposition, taking into
3 consideration -- taking into consideration the 17 steps
4 contained in the Bayfield County Land Use Plan Comprehensive
5 Plan. That's the green sheet that's in front of you all.

6 MR. WYDEVEN: I'm not sure I have a copy of that.

7 MR. RASMUSSEN: Here you go.

8 MR. WYDEVEN: Thank you.

9 MR. HOEFLING: Any thoughts on the green sheet?

10 MS. EGGLESON: I will move this along and make a
11 motion to deny the application on the grounds that this
12 variance would not meet the criteria. It is not due to --
13 it will not cause unnecessary hardship as defined in the
14 ordinance because the property owners would not be prevented
15 from using the property for a permitted purpose. They can
16 still have residence on the property without this variance.

17 And secondly, I think that the variance will harm
18 the public interest because of the long-term cumulative
19 stormwater run-off impacts from the impervious surface
20 increase that will be caused by this project.

21 MR. HOEFLING: We have a motion by Shari, is there
22 a second?

23 MR. WYDEVEN: I'll second.

24 MR. HOEFLING: Seconded by Adrian?

25 MR. WYDEVEN: Yes.

1 MR. HOEFLING: Any discussion?

2 (No responses.)

3 Okay, we'll vote left to right.

4 MS. EGGLESON: Aye.

5 MR. HOEFLING: Aye.

6 MR. WYDEVEN: Aye.

7 MR. RASMUSSEN: No.

8 MR. FORSYTHE: No.

9 MR. HOEFLING: Okay, the motion is -- I mean, the
10 motion passed.

11 We need two motions for each? Or does this include
12 both variances?

13 MR. HAUKAAS: Well, technically, by denying either
14 variance, a project can't go as is.

15 MR. HOEFLING: Okay.

16 MR. HAUKAAS: So I'm going to take the motion as
17 including both.

18 MR. HOEFLING: Okay, all right.

19 Okay, the variances are denied.

20 (The portion, Case 20-03B, concluded at 10:07 a.m.)

21 * * * *

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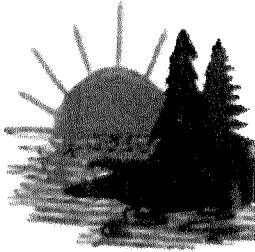
CERTIFICATE

I, Deborah D. Dreawves, a Notary Public for the State of Wisconsin, do hereby certify that the foregoing proceedings for the Bayfield County Board of Adjustment was taken in the above-entitled action under the Rules of Civil Procedure on August 27, 2020.

That by virtue thereof, I was duly authorized to administer an oath; that the witnesses before testifying was by me first duly sworn to testify the whole truth and nothing but the truth relative to said cause; that I am not related to any of the parties, that I am not an employee, attorney or counsel to any of the parties or attorneys hereto, nor do I have any financial interest or any interest of any kind in the outcome of this action; that the proceedings were recorded in stenotype by myself and transcribed into writing by computer-aided transcription, and that the excerpted portion of the transcript is a true record of the testimony given to the best of my ability.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 15th day of October, 2020.

/S/Deborah D. Dreawves
Notary Public
Minnesota and Wisconsin



BAYFIELD COUNTY PLANNING AND ZONING DEPARTMENT

Bayfield County Courthouse
117 East Fifth Street
Post Office Box 58
Washburn, WI 54891

Telephone: (715) 373-6138
Fax: (715) 373-0114

E-mail: zoning@bayfieldcounty.org
Web Site: www.bayfieldcounty.org/zoning

January 5, 2021

Ray Ebert
42860 Lake Ridge Rd
Cable WI 54821

~ Property Owner and/or Agent are required to be present at this meeting ~

We are sending you this letter to advise you of the upcoming **Bayfield County Board of Adjustment Public Meeting**.

This written notice is in regard to a **Decision of Reconsideration** made by the Board of Adjustment at their December 3, 2020 meeting. **Ray Ebert is requesting a discussion regarding impervious surface calculations.** To obtain information regarding this request; please visit our web site: <http://www.bayfieldcounty.org/187/Board-of-Adjustment-Appeals>. Scroll down to Agendas & Minutes. Click on Most Recent Agenda.

This matter will be addressed by the Bayfield County Board of Adjustment at their meeting on **Thursday, January 28, 2021 at 9:00 am** in the County Board Room of the Bayfield County Courthouse, Washburn Wisconsin.

Be advised; the Town of Namakagon will be notified of this application and they may discuss the application at a meeting prior to the Board of Adjustment meeting (please call and verify with the town for a date and time for their meeting).

If the town, public and/or adjacent property owners wish to comment on this matter, they are invited to attend the hearing or send written / digital input (*will be accepted until noon the day prior to the hearing*) to the Bayfield County Planning and Zoning Department. If you desire additional information, please contact the Planning and Zoning Department.

Note: Any person aggrieved by any decision of the Board of Adjustment may, within **30-days** after the filing of the decision in the office of the board, commence an action seeking the remedy available by certiorari.

Sincerely,

Bayfield County Planning and Zoning Department

enc. copy of public hearing notice

cc: Town Clerk
Adjacent Property Owners (9)
Board Members (7)
Court Reporter (1)
Corp. Counsel
DNR
Land Conservation Dept.
Office Copy
Application Copy

**** Please Note:** Receiving approval from the Board of Adjustment at the meeting **does not** authorize the beginning of construction or land use; you must **first obtain land use application/permit card(s)** from the Planning and Zoning Department.

HAUKAAS LAW OFFICE, S.C.

SUPERIOR REPRESENTATION

200 Chapple Avenue • Ashland, Wisconsin 54806

Attorneys • H. Craig Haukaas* • Carla Smith**

Paralegal - Stefanie Coleman • **Legal Coordinator** - Sherri Dietrich

Phone 715-685-1001 • Fax 888-242-2099 • info@haukaaslaw.com



February 11, 2021

Deb Kmetz
Bayfield County Planning and Zoning Dept.
P.O. Box 58
Washburn, WI 54891
Via: U.S.P.S. and email

RECEIVED
FEB 17 2021

Bayfield Co. Zoning Dept.

RE: Ray A. Ebert

Dear Ms. Kmetz:

Enclosed please find the original *Decision on Request for Variance Upon Reconsideration* for your records.

Should you have any questions or comments, please feel free to contact me.

Sincerely,

Haukaas Law Office, S.C.

Craig Haukaas

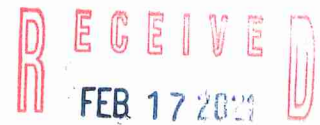
Enclosure

CH/sld

C: Rob Schierman – via email

*Licensed in Wisconsin, Idaho, Bad River & Red Cliff Bands of Lake Superior Chippewa Indians

**Licensed in Wisconsin & New York



BAYFIELD COUNTY BOARD OF ADJUSTMENT Bayfield Co. Zoning Dept

Ray A. Ebert

DECISION ON REQUEST
FOR VARIANCES UPON
RECONSIDERATION

August 27, 2020

Case No. 20-03B

Ray A. and Heidi Ebert appeared before the Board of Adjustment on August 27, 2020 and January 28, 2021 requesting two variances from the provisions of Section 13-1-22(b)(2) and 13-1-32(c) of the Bayfield County Zoning Ordinance.

Section 13-1-22(b)(2). states:

Private Road Setbacks. Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.

Section 13-1-32(c) state:

Impervious Surface Standards. For any riparian lot or parcel and any non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway, the construction, reconstruction, expansion, replacement or relocation of any impervious surface must meet the following requirements:

- (1) **Lots or Parcels with 15% or Less Impervious Surface.** Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface without the need for mitigation.
- (2) **Lots or Parcels with More than 15% but no More than 30% Impervious Surface.** Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Sec. 13-1-40, subsection (f) paragraph (9) of this Ordinance shall apply.
- (3) **Existing Impervious Surfaces.** For the existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in

paragraphs (1) and (2) above, the property owner may do any of the following:

- a. Maintenance and repair of all impervious surfaces.
- b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope.
- c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1)(b), Wisconsin Administrative Code.

(4) **Treated Impervious Surfaces:** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations.

- a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

(5) **Calculation of Percentage of Impervious Surface:** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surfaces area of that lot or parcel and multiplied by 100.

Prior to this request the applicant(s) was granted an interpretation of zoning district by the Board of Adjustment (April 25, 1991). He was denied a variance to create (2) substandard lots (August 29, 1991). He was granted a variance to construct a new single-family rental dwelling (26' by up to 36') with tuck under garage a distance of 20' from the centerline of a private road (July 31, 1997).

Applicant seeks to exceed the expansion rights granted on the previous variance (1997) and instead of the tuck under garage as previously granted; he seeks to construct a new garage addition.

Applicant originally sought a reduced setback of **20 feet from centerline of Lake Ridge Rd** instead of the required 40 ft. from centerline.

Applicant originally sought a 2nd variance for **47%** of Impervious Surface Standards instead of the required 30% maximum allowed.

The property is zoned (R-RB) (in shoreland zone). The property is a substandard lot consisting of 0.40-acres; Tax ID# 25259; described as Lot 10, Young's Assessor's Plat, V. 427, P. 291, Section 21, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, Wisconsin.

The applicant testified that he was seeking the variance(s) to expand the existing structure from a weekly rental to a year-round residence. The septic system was designed for a Three (3) bedroom home and he would be adding rain gardens to mitigate rainfall erosion.

The Town of Namakagon originally submitted a letter stating they had no objection to the variances request for a Twenty (20) foot set back the Lake Ridge Road. (Exhibit 2) The neighbors submitted letters in support (Exhibit 3). A proposed storm water management plan was submitted. The Planning and Zoning Department testified that the subject parcel is a .40-acre lot, identified as Lot 10 Youngs Assessors Plat (1979), is zoned Residential-Recreational Business (RRB), and is adjacent to Lake Namakagon, a Class 1 Lake. The current use of the property is seasonal residential, the current owner(s) maintain a vacation home on the subject lot. The development pattern in the area is comprised of Lakewood's Resort & higher density, small lot residential shoreland year-round vacation lake homes. The septic system servicing the residence was installed in 1997 under permit 297946 and has been properly maintained. The owners wish to add on to the residence. WI NR 115, the State's Shoreland Standards, requires limitations on

impervious surfaces within 300' of navigable waters, and the subject property is within 300' of Lake Namakagon. The maximum impervious surface allowed on a lot is 30%. The proposed construction would result in impervious surfaces of approximately 47%. The existing home was authorized by Variance 791. Variance 791 was issued on the condition that, "the construction be 26' by up to 36' residence with tuck under garage and be a single-family dwelling". The "10' x 26' Existing Deck" on the north side of the house, which the applicant wishes to enclose, was not part of the original approval and appears to have been built without a permit.

No one testified in opposition to the request.

The Bayfield County Planning and Zoning Department participated through Director Robert Schierman. Board of Adjustment members present were Chairman Mark Hoefling, Acting Vice Chair, Sheri Eggleston, Adrian Wydeven, Dennis Rassmussen and Rick Forsythe. Attorney Craig Haukaas appeared as Corporation Counsel.

The request for the variances was originally denied on a 3/2 vote. The Applicant sought reconsideration based upon what they believed was a misunderstanding of their original presentation and how the terms "public vs. private" roads are used in different parts of the zoning ordinance.

On January 28, 2021 the Board of Adjustment heard their request for reconsideration. It was determined that for purposes of calculating an impervious surface, Lake Road is considered a public road and excluded. There was also discussion about a previous variance for a twenty foot round set back being granted.

Applicant Heidi Ebert and Ray Ebert testified about the research they had done and that the Board received information that the impervious surface calculation would be reduced to 15.6% after reducing the public road from the calculation and implementing the mitigation plan reviewed and approved by Travis Tuluwitzky on January 25, 2021. The Bayfield County Planning and Zoning Department participated through Director Robert Schierman and Tracy Pooler. Board of Adjustment members present were, Chairman Mark Hoefling, Vice Chair Susan

Smith, Richard Forsythe, Adrian Wydeven, Shari Eggleson and Corporation Counsel, Craig Haukaas.

FINDINGS OF FACT

1. The Bayfield County Zoning Ordinance 13-1-3 statement of purpose provides this chapter is adopted for the purpose of promoting convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty and to promote the better uses of scenic resource.
2. An area variance is a relaxation of dimensional requirements in a land use regulation. To grant a variance, the applicant must establish that all three criteria of a three-step test.
 - a. First, hardship is present where a dimensional requirement unreasonably prevents use of the property for a permitted use or is unnecessarily burdensome given the purpose of the ordinance. The hardship must be based on conditions unique to the property rather than considerations personal to its owner. An applicant may not claim hardship because of conditions which are self-imposed.
 - b. Second, compliance with ordinance requirements is prevented by unique physical limitations of the property which are not generally shared by other properties.
 - c. Third, a variance may not adversely affect public interests outlined in the purpose statement of the ordinance or other specific ordinance requirements.
3. Impervious Surface Standards set forth at Section 13-1-32(c) of the Bayfield County Zoning Ordinance as stated above ensure the statement of purpose contained in that document are followed in the variance application process.

CONCLUSIONS OF LAW

1. Exhibits presented are received as evidence and incorporated into this decision.
2. The dimensional requirements of the road set back provision of the Bayfield County Zoning Ordinance unreasonably prevent the use of the property because of its unusual configuration. There was a previous variance granted as to the road set back request.
3. The Impervious Surface Standards promote the general welfare and further safe and healthy conditions. The storm water mitigation plan and recalculated impervious surface percentage meet these standards.
4. The applicant have met their burden of proof to satisfy requirements necessary for the granting of the requested variances.

DECISION

Motion was made by Richard Forsyth to grant the impervious surface variance and seconded by Adrian Wydeven. The vote was 5-0 in favor of granting the variance. This was amended by a further 5-0 vote requiring the implementation of the authorized storm water mitigation plan within twenty four (24) months of variance being granted.

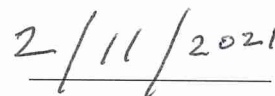
Motion was made by Adrian Wydeven to approve the set back variance and was seconded by Richard Forsythe. The vote was 5-0 in favor of granting the variance. This was amended by a further 5-0 vote requiring the foot print of any new structure to be surveyed to be in compliance with the requirements of the variance.

BAYFIELD COUNTY BOARD OF ADJUSTMENT

By

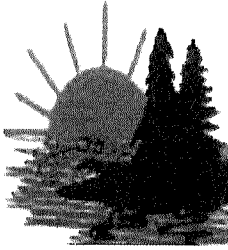


Mark Hoefling, Chairman



Date

RECEIVED
FEB 17 2021
Bayfield Co.
Planning and Zoning Agency



BAYFIELD COUNTY PLANNING AND ZONING DEPARTMENT

Telephone: (715) 373-6138
Fax: (715) 373-0114
e-mail: zoning@bayfieldcounty.org
Web Site: www.bayfieldcounty.org/zoning

Bayfield County Courthouse
Post Office Box 58
117 East Fifth Street
Washburn, WI 54891

June 17, 2021

Ray Ebert
42860 Lake Ridge Rd
Cable, WI 54821

Note:

Incomplete and/or unfinished applications expire 4 months from the date of this letter with this written notification.

RE: BOA (Case #20-03B)

PROPERTY: A 0.40-acre parcel (ID# 25259) described as Lot 10, Young's Assessor's Plat, V. 427 P. 29, Section 21, Township 43 North, Range 6 West, Town of Namakagon, Bayfield County, WI (R-RB zoning district/in shoreland zone).

Mr. Ebert:

The Bayfield County Board of Adjustment conducted a Public Hearing & Meeting on **January 28, 2021** where your request for a reconsideration of the two (2) **variances** (Case **#20-03B**) (**August 27, 2020**) was heard.

The Board reconsidered and granted the impervious surface (47%) variance with the following condition(s):

Implementation of the authorized storm water mitigation plan must be in place within twenty-four (24) months of the variance being granted (January 28, 2023).

The Board reconsidered and granted the setback **variance** (20' from centerline of Lake Ridge Rd) with the following condition(s):

The layout of the footprint for any new structure(s) must be done by a licensed surveyor to be in compliance with the requirement of the variance.

The Board reconsidered and granted the Applicant a (2)-Story Residential Addition (westside of structure) (26' x 24' = 624 sq. ft. footprint; a New Deck in front of new residential addition (westside of structure) 24' x 12' = 288 sq. ft.; a (1)-Story Attached Garage (southside of structure) (24' x 16' = 384 sq. ft.) and *allow the existing/non-permitted deck* (northside of structure) (26' x 10' = 260 sq. ft.)

Attached please find the findings, conclusions and decision of the Board. Please note, persons aggrieved by any decision of a BOA may commence an action in circuit court under s. 59.694(10), Stats., or s. 62.23(7)(e) 10, Stats., within 30 days of the signed decision being filed in the board's

office, seeking the remedy available by certiorari. The court may affirm or reverse (remanding the case to the BOA or modifying it, in whole or in part).

The Bayfield County Planning and Zoning Department shall record the decision granting it, setting forth the terms and conditions of the **variance** and a legal description of the property to which it pertains, with the Bayfield County Register of Deeds. The terms and conditions of the variance shall be binding upon and inure to the benefit of all current and future owners of such property.

Important: The Planning and Zoning Department does not authorize the beginning of construction or land use; you must first obtain land use application(s)/permit card(s) from the Planning and Zoning Department, which will be forthcoming as soon as you (the property owner) fulfill the conditions placed by the Board of Adjustment; your recorded affidavit; sanitary (if applicable); land use fee(s); and/or any additional requirements, have been received in this Department. The Planning and Zoning Department requires verification/proof that all conditions have been met. ***Any further expansions or development would require additional permitting if permissible.***

If you need any further assistance, please don't hesitate to call.

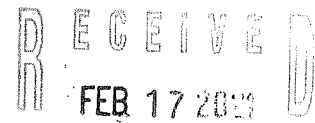
Sincerely,



Robert D. Schierman, Director
Bayfield County Planning and Zoning

cc: Laura Bjork, Town Clerk, 43845 Co Hwy M, Cable, WI 54821
Office File

enc: decision and copy of affidavit



BAYFIELD COUNTY BOARD OF ADJUSTMENT Bayfield Co. Zoning Dep.

Ray A. Ebert

DECISION ON REQUEST
FOR VARIANCES UPON
RECONSIDERATION

August 27, 2020

Case No. 20-03B

Ray A. and Heidi Ebert appeared before the Board of Adjustment on August 27, 2020 and January 28, 2021 requesting two variances from the provisions of Section 13-1-22(b)(2) and 13-1-32(c) of the Bayfield County Zoning Ordinance.

Section 13-1-22(b)(2). states:

Private Road Setbacks. Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.

Section 13-1-32(c) state:

Impervious Surface Standards. For any riparian lot or parcel and any non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway, the construction, reconstruction, expansion, replacement or relocation of any impervious surface must meet the following requirements:

- (1) **Lots or Parcels with 15% or Less Impervious Surface.** Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface without the need for mitigation.
- (2) **Lots or Parcels with More than 15% but no More than 30% Impervious Surface.** Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Sec. 13-1-40, subsection (f) paragraph (9) of this Ordinance shall apply.
- (3) **Existing Impervious Surfaces.** For the existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in

paragraphs (1) and (2) above, the property owner may do any of the following:

- a. Maintenance and repair of all impervious surfaces.
- b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope.
- c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1)(b), Wisconsin Administrative Code.

(4) **Treated Impervious Surfaces:** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations.

- a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

(5) **Calculation of Percentage of Impervious Surface:** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surfaces area of that lot or parcel and multiplied by 100.

Prior to this request the applicant(s) was granted an interpretation of zoning district by the Board of Adjustment (April 25, 1991). He was denied a variance to create (2) substandard lots (August 29, 1991). He was granted a variance to construct a new single-family rental dwelling (26' by up to 36') with tuck under garage a distance of 20' from the centerline of a private road (July 31, 1997).

Applicant seeks to exceed the expansion rights granted on the previous variance (1997) and instead of the tuck under garage as previously granted; he seeks to construct a new garage addition.

Applicant originally sought a reduced setback of **20 feet from centerline of Lake Ridge Rd** instead of the required 40 ft. from centerline.

Applicant originally sought a 2nd variance for **47%** of Impervious Surface Standards instead of the required 30% maximum allowed.

The property is zoned (R-RB) (in shoreland zone). The property is a substandard lot consisting of 0.40-acres; Tax ID# 25259; described as Lot 10, Young's Assessor's Plat, V. 427, P. 291, Section 21, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, Wisconsin.

The applicant testified that he was seeking the variance(s) to expand the existing structure from a weekly rental to a year-round residence. The septic system was designed for a Three (3) bedroom home and he would be adding rain gardens to mitigate rainfall erosion.

The Town of Namakagon originally submitted a letter stating they had no objection to the variances request for a Twenty (20) foot set back the Lake Ridge Road. (Exhibit 2) The neighbors submitted letters in support (Exhibit 3). A proposed storm water management plan was submitted. The Planning and Zoning Department testified that the subject parcel is a .40-acre lot, identified as Lot 10 Youngs Assessors Plat (1979), is zoned Residential-Recreational Business (RRB), and is adjacent to Lake Namakagon, a Class 1 Lake. The current use of the property is seasonal residential, the current owner(s) maintain a vacation home on the subject lot. The development pattern in the area is comprised of Lakewood's Resort & higher density, small lot residential shoreland year-round vacation lake homes. The septic system servicing the residence was installed in 1997 under permit 297946 and has been properly maintained. The owners wish to add on to the residence. WI NR 115, the State's Shoreland Standards, requires limitations on

impervious surfaces within 300' of navigable waters, and the subject property is within 300' of Lake Namakagon. The maximum impervious surface allowed on a lot is 30%. The proposed construction would result in impervious surfaces of approximately 47%. The existing home was authorized by Variance 791. Variance 791 was issued on the condition that, "the construction be 26' by up to 36' residence with tuck under garage and be a single-family dwelling". The "10' x 26' Existing Deck" on the north side of the house, which the applicant wishes to enclose, was not part of the original approval and appears to have been built without a permit.

No one testified in opposition to the request.

The Bayfield County Planning and Zoning Department participated through Director Robert Schierman. Board of Adjustment members present were Chairman Mark Hoefling, Acting Vice Chair, Sheri Eggleston, Adrian Wydeven, Dennis Rassmussen and Rick Forsythe. Attorney Craig Haukaas appeared as Corporation Counsel.

The request for the variances was originally denied on a 3/2 vote. The Applicant sought reconsideration based upon what they believed was a misunderstanding of their original presentation and how the terms "public vs. private" roads are used in different parts of the zoning ordinance.

On January 28, 2021 the Board of Adjustment heard their request for reconsideration. It was determined that for purposes of calculating an impervious surface, Lake Road is considered a public road and excluded. There was also discussion about a previous variance for a twenty foot round set back being granted.

Applicant Heidi Ebert and Ray Ebert testified about the research they had done and that the Board received information that the impervious surface calculation would be reduced to 15.6% after reducing the public road from the calculation and implementing the mitigation plan reviewed and approved by Travis Tuluwitzky on January 25, 2021. The Bayfield County Planning and Zoning Department participated through Director Robert Schierman and Tracy Pooler. Board of Adjustment members present were, Chairman Mark Hoefling, Vice Chair Susan

Smith, Richard Forsythe, Adrian Wydeven, Shari Eggleston and Corporation Counsel, Craig Haukaas.

FINDINGS OF FACT

1. The Bayfield County Zoning Ordinance 13-1-3 statement of purpose provides this chapter is adopted for the purpose of promoting convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty and to promote the better uses of scenic resource.
2. An area variance is a relaxation of dimensional requirements in a land use regulation. To grant a variance, the applicant must establish that all three criteria of a three-step test.
 - a. First, hardship is present where a dimensional requirement unreasonably prevents use of the property for a permitted use or is unnecessarily burdensome given the purpose of the ordinance. The hardship must be based on conditions unique to the property rather than considerations personal to its owner. An applicant may not claim hardship because of conditions which are self-imposed.
 - b. Second, compliance with ordinance requirements is prevented by unique physical limitations of the property which are not generally shared by other properties.
 - c. Third, a variance may not adversely affect public interests outlined in the purpose statement of the ordinance or other specific ordinance requirements.
3. Impervious Surface Standards set forth at Section 13-1-32(c) of the Bayfield County Zoning Ordinance as stated above ensure the statement of purpose contained in that document are followed in the variance application process.

CONCLUSIONS OF LAW

1. Exhibits presented are received as evidence and incorporated into this decision.
2. The dimensional requirements of the road set back provision of the Bayfield County Zoning Ordinance unreasonably prevent the use of the property because of its unusual configuration. There was a previous variance granted as to the road set back request.
3. The Impervious Surface Standards promote the general welfare and further safe and healthy conditions. The storm water mitigation plan and recalculated impervious surface percentage meet these standards.
4. The applicant have met their burden of proof to satisfy requirements necessary for the granting of the requested variances.

DECISION

Motion was made my Richard Forsyth to grant the impervious surface variance and seconded by Adrian Wydeven. The vote was 5-0 in favor of granting the variance. This was amended by a further 5-0 vote requiring the implementation of the authorized storm water mitigation plan within twenty four (24) months of variance being granted.

Motion was made by Adrian Wydeven to approve the set back variance and was seconded by Richard Forsythe. The vote was 5-0 in favor of granting the variance. This was amended by a further 5-0 vote requiring the foot print of any new structure to be surveyed to be in compliance with the requirements of the variance.

BAYFIELD COUNTY BOARD OF ADJUSTMENT

By



Mark Hoeftling, Chairman

2/11/2021

Date

RECEIVED

FEB 17 2021

Bayfield Co.
Planning and Zoning Agency

**DECISION OF VARIANCE
BY BOARD OF ADJUSTMENT**

On **January 28, 2021** the owner(s) was/were granted (2) **variances** by the Bayfield County Board of Adjustment.

Case #1 (#20-03B)

Ray A. and Heidi Ebert appeared before the Board of Adjustment on August 27, 2020 and January 28, 2021 requesting two variances from the provisions of Section 13-1-22(b)(2) and 13-1-32(c) of the Bayfield County Zoning Ordinance.

Section 13-1-22(b)(2). states:

Private Road Setbacks. Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.

Section 13-1-32(c) state:

Impervious Surface Standards. For any riparian lot or parcel and any non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway, the construction, reconstruction, expansion, replacement or relocation of any impervious surface must meet the following requirements:

- (1) **Lots or Parcels with 15% or Less Impervious Surface.** Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface without the need for mitigation.
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- (3) **Existing Impervious Surfaces.** For the existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in paragraphs (1) and (2) above, the property owner may do any of the following:
 - a. Maintenance and repair of all impervious surfaces.
 - b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope.
 - c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1)(b), Wisconsin Administrative Code.
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Prior to this request the applicant(s) was granted an interpretation of zoning district by the Board of Adjustment (April 25, 1991). He was denied a variance to create (2) substandard lots (August 29, 1991). He was granted a variance to construct a new single-family rental dwelling (26' by up to 36') with tuck under garage a distance of 20' from the centerline of a private road (July 31, 1997).

Applicant seeks to exceed the expansion rights granted on the previous variance (1997) and instead of the tuck under garage as previously granted; he seeks to construct a new garage addition.

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The property is zoned (R-RB) (in shoreland zone). The property is a substandard lot consisting of 0.40-acres; Tax ID# 25259; described as Lot 10, Young's Assessor's Plat, V. 427, P. 291, Section 21, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, Wisconsin.

Recording Data

Return To:
Bayfield County Planning & Zoning

The applicant testified that he was seeking the variance(s) to expand the existing structure from a weekly rental to a year-round residence. The septic system was designed for a Three (3) bedroom home and he would be adding rain gardens to mitigate rainfall erosion.

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The request for the variances was originally denied on a 3/2 vote. The Applicant sought reconsideration based upon what they believed was a misunderstanding of their original presentation and how the terms "public vs. private" roads are used in different parts of the zoning ordinance.

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FINDINGS OF FACT

- I. The Bayfield County Zoning Ordinance 13-1-3 statement of purpose provides this chapter is adopted for the purpose of promoting convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty and to promote the better uses of scenic resource.
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CONCLUSIONS OF LAW

1. Exhibits presented are received as evidence and incorporated into this decision.
2. The dimensional requirements of the road set back provision of the Bayfield County Zoning Ordinance unreasonably prevent the use of the property because of its unusual configuration. There was a previous variance granted as to the road set back request.
3. The Impervious Surface Standards promote the general welfare and further safe and healthy conditions. The storm water mitigation plan and recalculated impervious surface percentage meet these standards.

4. The applicant have met their burden of proof to satisfy requirements necessary for the granting of the requested variances.

DECISION

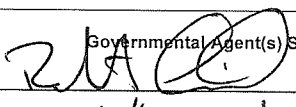
Motion was made by Richard Forsyth to grant the impervious surface variance and seconded by Adrian Wydeven. The vote was 5-0 in favor of granting the variance. This was amended by a further 5-0 vote requiring the implementation of the authorized storm water mitigation plan within twenty four (24) months of variance being granted.

Motion was made by Adrian Wydeven to approve the set back variance and was seconded by Richard Forsythe. The vote was 5-0 in favor of granting the variance. This was amended by a further 5-0 vote requiring the foot print of any new structure to be surveyed to be in compliance with the requirements of the variance.

Filing of the Decision: Mark Hoefling, Chairman (February 17, 2021)

The purpose of this affidavit is to make the foregoing a matter of public record in the office of the Bayfield County Register of Deeds.

The Bayfield County Zoning Agency, shall record the decision denying it, setting forth the terms of the variance and a legal description of the property to which it pertains, with the Bayfield County Register of Deeds. The recording fee shall be paid by the applicant. The terms and conditions of the variance shall be binding upon and inure to the benefit of all current and future owners of such property, unless otherwise stated as part of a condition.

Bayfield County Planning and Zoning Department Governmental Official Printed Name and Title: Robert D. Schierman, Director	This instrument was signed before me in the State of Wisconsin, County of Bayfield On this _____ day _____, 2021
Governmental Agent(s) Signature:  This <u>17th</u> day of <u>June</u> , 2021	by: _____ Notary Public My commission expires on: _____

Receiving approval from the Board of Adjustment at the meeting does not authorize the beginning of construction or land use; you must first obtain land use application/permit card(s) from the Planning and Zoning Department.

Granted:

Request	Location	Size
(2-Story) Residential Addition	Westside of structure	26' x 24' = 624 sq. ft. footprint
New Deck in front of new residential addition	Westside of structure	24' x 12' = 288 sq. ft.
(1-Story) Garage	Southside of structure	24' x 16' = 384 sq. ft.
Existing deck (non-permitted)	Northside of the structure.	26' x 10' = 260 sq. ft.

EBERT
42860 LAKE RIDGE RD
CABLE, WI

Existing

MAP OF SURVEY

LOT 10 OF YOUNG'S ASSESSOR'S PLAT, LOCATED IN
GOVERNMENT LOT 2 OF SECTION 21, T. 43 N., R. 6 W.,
IN THE TOWN OF NAMAKAGON, BAYFIELD COUNTY,
WISCONSIN

NOTES:

THE ORDINARY HIGH WATER LINE OF LAKE NAMAKAGON IS APPROXIMATE AND FOR REFERENCE PURPOSES ONLY.

ANY LAND BELOW THE ORDINARY HIGH WATER LINE OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE CONSTITUTION.

DUE TO THE DEPTH OF SNOW AT THE TIME OF THE SURVEY, SOME LINES OF OCCUPATION COULD NOT BE LOCATED OR MARKED.

SEE YOUNG'S ASSESSOR'S PLAT FOR ADDITIONAL INFORMATION.

IMPERVIOUS SURFACE INFORMATION

TOTAL AREA = 17,908 SQ. FT.

TOTAL IMPERVIOUS SURFACE = 7,800 SQ. FT. = 43.5% OF TOTAL AREA

CADWY = 1,100 SQ. FT.

CONCRETE = 840 SQ. FT.

BLACKTOP DRIVEWAY = 6,000 SQ. FT.

THE WOOD DECK WERE NOT INCLUDED IN THE IMPERVIOUS SURFACE CALCULATIONS.

SURVEYOR'S CERTIFICATE

I, JASON R. NELSON, PROFESSIONAL LAND SURVEYOR IN THE STATE OF WISCONSIN, HEREBY CERTIFY:

THAT ON THE ORDER OF RAY EBERT, I HAVE SURVEYED AND MARKED LOT 10 OF YOUNG'S ASSESSOR'S PLAT, LOCATED IN GOVERNMENT LOT 2 OF SECTION 21, T. 43 N., R. 6 W., IN THE TOWN OF NAMAKAGON, BAYFIELD COUNTY, WISCONSIN.

THAT THIS MAP IS A TRUE REPRESENTATION OF SAID SURVEY.

THAT I HAVE FULLY COMPLIED WITH CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE, AND

THAT SAID SURVEY AND MAP ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JASON R. NELSON PLS NO. 3092

SCALE: ONE INCH = 20 FEET



LEGEND

- FOUND 1" IRON PIPE, UNLESS NOTED
- SET 1"000 X 16" IRON PIPE
- () RECORDED DATA

- SEPTIC COVER
- ▲ SEPTIC VENT
- WELL

CLIENT: RAY EBERT

JOB NO: H05/041

SCALE: 1" = 20'

NS: 8-29 PG. 76

DATE OF FIELDWORK:

FILE: W743NMW/SECT1

ADAD: EBERT

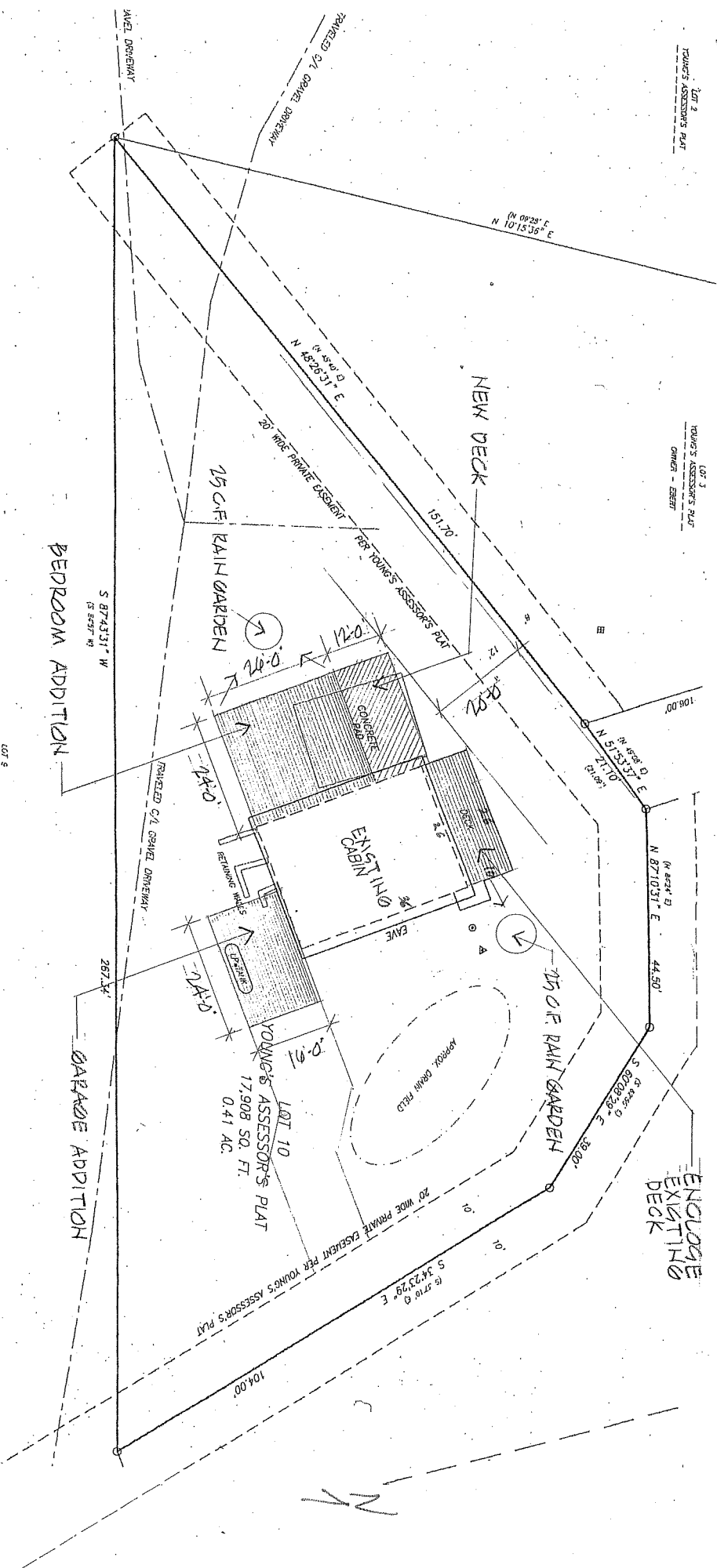
COORD: EBERT

HEART OF THE NORTH
SURVEYING OF HAYWARD, INC.

10338N DUFFY ROAD
HAYWARD, WI 54843
TEL: 715/634-2442
FAX: 715/634-6444
WWW.HONSURVEYING.COM

000018

Proposed



SITE PLAN - 1"=100'

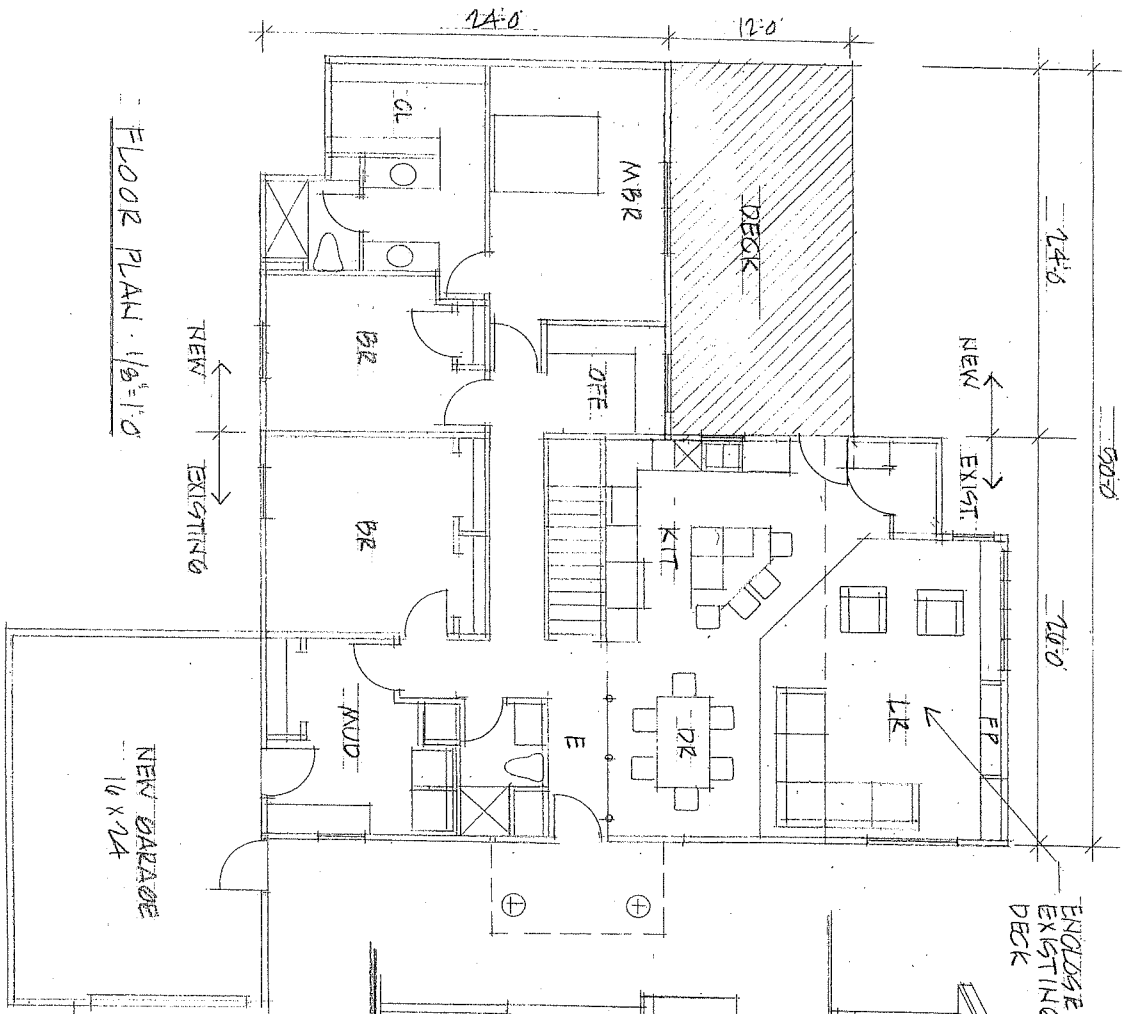
000019



ARCHITECTURAL DESIGN
2801 LOVELY ROAD, S. LA CROSSE, WI 54601
OFFICE 608-785-1750 CELL 608-385-4647
KASHI@TDSBOL.COM FAX 608-785-1751

NORTH ELEVATION

000020



EXISTING DECK

EAST ELEVATION

WEST ELEVATION

EXISTING NEW

8.

**DECISION OF VARIANCE
BY BOARD OF ADJUSTMENT**

On **August 27, 2020** the owner(s) was **denied (2) variance** by the Bayfield County Board of Adjustment.

Case #1 (#20-03B)

Ray A. and Heidi Ebert appeared before the Board of Adjustment on August 27, 2020 requesting two variances from the provisions of Section 13-1-22(b)(2) and 13-1-32(c) of the Bayfield County Zoning Ordinance.

Section 13-1-22(b)(2). states:

Private Road Setbacks. Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.

Section 13-1-32(c) state:

Impervious Surface Standards. For any riparian lot or parcel and any non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway, the construction, reconstruction, expansion, replacement or relocation of any impervious surface must meet the following requirements:

- (1) **Lots or Parcels with 15% or Less Impervious Surface.** Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface without the need for mitigation.
- (2) **Lots or Parcels with More than 15% but no More than 30% Impervious Surface.** Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Sec. 13-1-40, subsection (f) paragraph (9) of this Ordinance shall apply.
- (3) **Existing Impervious Surfaces.** For the existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in paragraphs (1) and (2) above, the property owner may do any of the following:
 - a. Maintenance and repair of all impervious surfaces.
 - b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope.
 - c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1)(b), Wisconsin Administrative Code.
- (4) **Treated Impervious Surfaces:** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations.
 - a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (5) **Calculation of Percentage of Impervious Surface:** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surfaces area of that lot or parcel and multiplied by 100.

Prior to this request the applicant(s) was granted an interpretation of zoning district by the Board of Adjustment (April 25, 1991). He was denied a variance to create (2) substandard lots (August 29, 1991). He was granted a variance to construct a new single-family rental dwelling (26' by up to 36') with tuck under garage a distance of 20' from the centerline of a private road (July 31, 1997).

Applicant seeks to exceed the expansion rights granted on the previous variance (1997) and instead of the tuck under garage as previously granted; he seeks to construct a new garage addition.

Applicant seeks a reduced setback of **20 feet from centerline of Lake Ridge Rd** instead of the required 40 ft. from centerline.

Applicant seeks 2nd variance for **47%** of Impervious Surface Standards instead of the required 30% maximum allowed.

The property is zoned (R-RB) (in shoreland zone). The property is a substandard lot consisting of 0.40-acres; Tax ID# 25259; described as Lot 10, Young's Assessor's Plat, V. 427, P. 291, Section 21, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, Wisconsin.

The applicant testified that he was seeking the variance(s) to expand the existing structure from a weekly rental to a year-round residence. The septic system was designed for a Three (3) bedroom home and he would be adding rain gardens to mitigate rainfall erosion.

The Town of Namakagon submitted a letter stating they had no objection to the variances request for a Twenty (20) foot set back the Lake Ridge Road. (Exhibit 2) The neighbors submitted letters in support (Exhibit 3). A proposed storm water management plan was submitted. The Planning and Zoning Department testified that the subject parcel is a .40-acre lot, identified as Lot 10 Youngs Assessors Plat (1979), is zoned Residential-Recreational Business (RRB), and is adjacent to Lake Namakagon, a Class 1 Lake. The current use of the property is seasonal residential, the current owner(s) maintain a vacation home on the subject lot. The development pattern in the area is comprised of Lakewood's Resort & higher density, small lot residential shoreland year-round vacation lake homes. The septic system servicing the residence was installed in 1997 under permit 297946 and has been properly maintained. The owners wish to add on to the residence. WI NR 115, the State's Shoreland Standards, requires limitations on impervious surfaces within 300' of navigable waters, and the subject property is within 300' of Lake Namakagon. The maximum impervious surface allowed on a lot is 30%. The



2020R-584177

DENISE TARASEWICZ
BAYFIELD COUNTY, WI
REGISTER OF DEEDS
09/10/2020 02:10PM
TF EXEMPT #:
RECORDING FEE: 30.00
PAGES: 8

Return To:

Bayfield County Planning & Zoning

proposed construction would result in impervious surfaces of approximately 47%. The existing home was authorized by Variance 791. Variance 791 was issued on the condition that, "the construction be 26' by up to 36' residence with tuck under garage and be a single-family dwelling". The "10' x 26' Existing Deck" on the north side of the house, which the applicant wishes to enclose, was not part of the original approval and appears to have been built without a permit.

No one testified in opposition to the request.

The Bayfield County Planning and Zoning Department participated through Director Robert Schierman. Board of Adjustment members present were Chairman Mark Hoefling, Acting Vice Chair, Sheri Eggleson, Adrian Wydeven, Dennis Rassmussen and Rick Forsythe. Attorney Craig Haukaas appeared as Corporation Counsel.

FINDINGS OF FACT

1. The Bayfield County Zoning Ordinance 13-1-3 statement of purpose provides this chapter is adopted for the purpose of promoting convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty and to promote the better uses of scenic resource.
2. An area variance is a relaxation of dimensional requirements in a land use regulation. To grant a variance, the applicant must establish that all three criteria of a three-step test.
 - a. First, hardship is present where a dimensional requirement unreasonably prevents use of the property for a permitted use or is unnecessarily burdensome given the purpose of the ordinance. The hardship must be based on conditions unique to the property rather than considerations personal to its owner. An applicant may not claim hardship because of conditions which are self-imposed.
 - b. Second, compliance with ordinance requirements is prevented by unique physical limitations of the property which are not generally shared by other properties.
 - c. Third, a variance may not adversely affect public interests outlined in the purpose statement of the ordinance or other specific ordinance requirements.
3. Impervious Surface Standards set forth at Section 13-1-32(c) of the Bayfield County Zoning Ordinance as stated above ensure the statement of purpose contained in that document are followed in the variance application process.

CONCLUSIONS OF LAW

1. Exhibits presented are received as evidence and incorporated into this decision.
2. The dimensional requirements of the road set back provision of the Bayfield County Zoning Ordinance do not unreasonably prevent the use of the property.
3. The Impervious Surface Standards promote the general welfare and to further safe and healthy conditions. The applicant was previously granted a variance to meet concerns he had for this lot. It is not in the public interest to deviate so significantly from the ordinance requirements.
4. The applicant has failed to meet his burden of proof to satisfy requirements necessary for the granting of the requested variances.

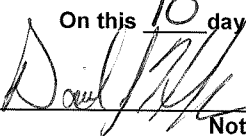

DECISION

Motion to deny the variances requested were made by Shari Eggleson and seconded by Adrian Wydeven. The vote was 3 in 2 in favor of the motion.

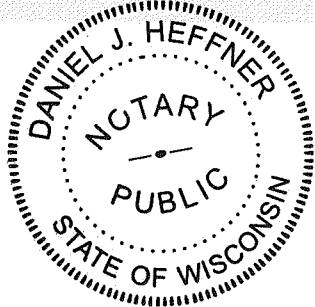
Filing of the Decision: Mark Hoefling, Chairman (September 9, 2020).

The purpose of this affidavit is to make the foregoing a matter of public record in the office of the Bayfield County Register of Deeds.

The Bayfield County Zoning Department, shall record the decision denying it, setting forth the terms and/or conditions of the variance(s) and a legal description of the property to which it pertains, with the Bayfield County Register of Deeds. The recording fee shall be paid by the applicant. The terms and conditions of the variance shall be binding upon and inure to the benefit of all current and future owners of such property, unless otherwise stated as part of a condition.

<div>Bayfield County Planning and Zoning Department</div> <div>Governmental Official Printed Name and Title:</div> <div>Robert D. Schierman, Director</div>	<div>This instrument was signed before me in the State of Wisconsin, County of Bayfield</div> <div>On this 10 day September, 2020</div> <div>by:  Daniel J. Heffner</div> <div>Notary Public</div> <div>My commission expires on: 6-6-2021</div>
<div>Governmental Agent(s) Signature:</div> <div></div> <div>This 10th day of September, 2020</div>	

Receiving approval from the Board of Adjustment at the meeting does not authorize the beginning of construction or land use; you must first obtain land use application/permit card(s) from the Planning and Zoning Department.



AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
) §
BAYFIELD COUNTY)

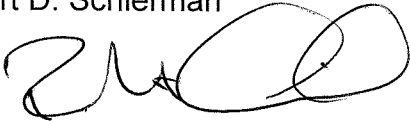
Being first duly sworn on oath, your affiant, Robert Schierman, states as follows:

1. I am the Director of the Bayfield County Planning and Zoning Department.
2. On September 10th, 2020. I mailed by first class mail postage prepaid a copy of the decision to: Ray Ebert, 42860 Lake Ridge Rd, Cable, WI 54821.

(a) Laura Bjork, Town Clerk, 43845 Co Hwy M, Cable, WI 54821

Your affiant says nothing further.

Robert D. Schierman

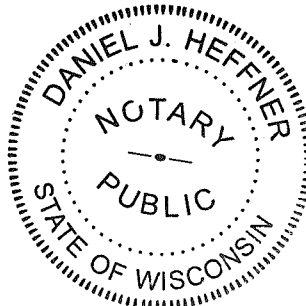


STATE OF WISCONSIN)
) §
BAYFIELD COUNTY)

Subscribed and sworn to before me Robert D. Schierman
this 10th day of September, 2020

 Daniel J. Heffner
Notary Public, Bayfield County, State of Wisconsin

My commission expires: 6-6-2021



**DECISION OF VARIANCE
BY BOARD OF ADJUSTMENT**



2021R-589333

DANIEL J. HEFFNER
BAYFIELD COUNTY, WI
REGISTER OF DEEDS
06/17/2021 10:55AM
TF EXEMPT #:
RECORDING FEE: 30.00
PAGES: 3

On **January 28, 2021** the owner(s) was/were granted (2) **variances** by the Bayfield County Board of Adjustment.

Case #1 (#20-03B)

Ray A. and Heidi Ebert appeared before the Board of Adjustment on August 27, 2020 and January 28, 2021 requesting two variances from the provisions of Section 13-1-22(b)(2) and 13-1-32(c) of the Bayfield County Zoning Ordinance.

Section 13-1-22(b)(2). states:

Private Road Setbacks. Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.

Section 13-1-32(c) state:

Impervious Surface Standards. For any riparian lot or parcel and any non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway, the construction, reconstruction, expansion, replacement or relocation of any impervious surface must meet the following requirements:

- (1) **Lots or Parcels with 15% or Less Impervious Surface.** Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface without the need for mitigation.
- (2) **Lots or Parcels with More than 15% but no More than 30% Impervious Surface.** Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Sec. 13-1-40, subsection (f) paragraph (9) of this Ordinance shall apply.
- (3) **Existing Impervious Surfaces.** For the existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in paragraphs (1) and (2) above, the property owner may do any of the following:
 - a. Maintenance and repair of all impervious surfaces.
 - b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope.
 - c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1)(b), Wisconsin Administrative Code.
- (4) **Treated Impervious Surfaces:** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations.
 - a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (5) **Calculation of Percentage of Impervious Surface:** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surfaces area of that lot or parcel and multiplied by 100.

Prior to this request the applicant(s) was granted an interpretation of zoning district by the Board of Adjustment (April 25, 1991). He was denied a variance to create (2) substandard lots (August 29, 1991). He was granted a variance to construct a new single-family rental dwelling (26' by up to 36') with tuck under garage a distance of 20' from the centerline of a private road (July 31, 1997).

Applicant seeks to exceed the expansion rights granted on the previous variance (1997) and instead of the tuck under garage as previously granted; he seeks to construct a new garage addition.

Applicant originally sought a reduced setback of **20 feet from centerline of Lake Ridge Rd** instead of the required 40 ft. from centerline.

Applicant originally sought a 2nd variance for **47%** of Impervious Surface Standards instead of the required 30% maximum allowed.

Recording Data

Return To:

Bayfield County Planning & Zoning

The property is zoned (R-RB) (in shoreland zone). The property is a substandard lot consisting of 0.40-acres; Tax ID# 25259; described as Lot 10, Young's Assessor's Plat, V. 427, P. 291, Section 21, Township 43 N, Range 6 W, Town of Namakagon, Bayfield County, Wisconsin.

The applicant testified that he was seeking the variance(s) to expand the existing structure from a weekly rental to a year-round residence. The septic system was designed for a Three (3) bedroom home and he would be adding rain gardens to mitigate rainfall erosion.

The Town of Namakagon originally submitted a letter stating they had no objection to the variances request for a Twenty (20) foot set back the Lake Ridge Road. (Exhibit 2) The neighbors submitted letters in support (Exhibit 3). A proposed storm water management plan was submitted. The Planning and Zoning Department testified that the subject parcel is a .40-acre lot, identified as Lot 10 Youngs Assessors Plat (1979), is zoned Residential-Recreational Business (RRB), and is adjacent to Lake Namakagon, a Class 1 Lake. The current use of the property is seasonal residential, the current owner(s) maintain a vacation home on the subject lot. The development pattern in the area is comprised of Lakewood's Resort & higher density, small lot residential shoreland year-round vacation lake homes. The septic system servicing the residence was installed in 1997 under permit 297946 and has been properly maintained. The owners wish to add on to the residence. WI NR 115, the State's Shoreland Standards, requires limitations on impervious surfaces within 300' of navigable waters, and the subject property is within 300' of Lake Namakagon. The maximum impervious surface allowed on a lot is 30%. The proposed construction would result in impervious surfaces of approximately 47%. The existing home was authorized by Variance 791. Variance 791 was issued on the condition that, "the construction be 26' by up to 36' residence with tuck under garage and be a single-family dwelling". The "10' x 26' Existing Deck" on the north side of the house, which the applicant wishes to enclose, was not part of the original approval and appears to have been built without a permit.

No one testified in opposition to the request.

The Bayfield County Planning and Zoning Department participated through Director Robert Schierman. Board of Adjustment members present were Chairman Mark Hoefling, Acting Vice Chair, Sheri Eggleson, Adrian Wydeven, Dennis Rassmussen and Rick Forsythe. Attorney Craig Haukaas appeared as Corporation Counsel.

The request for the variances was originally denied on a 3/2 vote. The Applicant sought reconsideration based upon what they believed was a misunderstanding of their original presentation and how the terms "public vs. private" roads are used in different parts of the zoning ordinance.

On January 28, 2021 the Board of Adjustment heard their request for reconsideration. It was determined that for purposes of calculating an impervious surface, Lake Road is considered a public road and excluded. There was also discussion about a previous variance for a twenty foot round set back being granted.

Applicant Heidi Ebert and Ray Ebert testified about the research they had done and that the Board received information that the impervious surface calculation would be reduced to 15.6% after reducing the public road from the calculation and implementing the mitigation plan reviewed and approved by Travis Tuluwitzky on January 25, 2021. The Bayfield County Planning and Zoning Department participated through Director Robert Schierman and Tracy Pooler. Board of Adjustment members present were, Chairman Mark Hoefling, Vice Chair Susan Smith, Richard Forsythe, Adrian Wydeven, Shari Eggleson and Corporation Counsel, Craig Haukaas.

FINDINGS OF FACT

- I. The Bayfield County Zoning Ordinance 13-1-3 statement of purpose provides this chapter is adopted for the purpose of promoting convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty and to promote the better uses of scenic resource.
2. An area variance is a relaxation of dimensional requirements in a land use regulation. To grant a variance, the applicant must establish that all three criteria of a three-step test.
 - a. First, hardship is present where a dimensional requirement unreasonably prevents use of the property for a permitted use or is unnecessarily burdensome given the purpose of the ordinance. The hardship must be based on conditions unique to the property rather than considerations personal to its owner. An applicant may not claim hardship because of conditions which are self-imposed.
 - b. Second, compliance with ordinance requirements is prevented by unique physical limitations of the property which are not generally shared by other properties.
 - c. Third, a variance may not adversely affect public interests outlined in the purpose statement of the ordinance or other specific ordinance requirements.
3. Impervious Surface Standards set forth at Section 13-1-32(c) of the Bayfield County Zoning Ordinance as stated above ensure the statement of purpose contained in that document are followed in the variance application process.

CONCLUSIONS OF LAW

1. Exhibits presented are received as evidence and incorporated into this decision.
2. The dimensional requirements of the road set back provision of the Bayfield County Zoning Ordinance unreasonably prevent the use of the property because of its unusual configuration. There was a previous variance granted as to the road set back request.

3. The Impervious Surface Standards promote the general welfare and further safe and healthy conditions. The storm water mitigation plan and recalculated impervious surface percentage meet these standards.
4. The applicant have met their burden of proof to satisfy requirements necessary for the granting of the requested variances.

DECISION

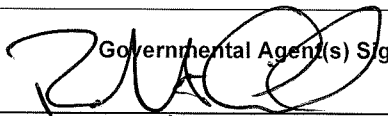
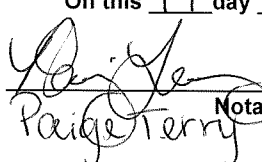
Motion was made my Richard Forsyth to grant the impervious surface variance and seconded by Adrian Wydeven. The vote was 5-0 in favor of granting the variance. This was amended by a further 5-0 vote requiring the implementation of the authorized storm water mitigation plan within twenty four (24) months of variance being granted.

Motion was made by Adrian Wydeven to approve the set back variance and was seconded by Richard Forsythe. The vote was 5-0 in favor of granting the variance. This was amended by a further 5-0 vote requiring the foot print of any new structure to be surveyed to be in compliance with the requirements of the variance.

Filing of the Decision: Mark Hoefling, Chairman (February 17, 2021)

The purpose of this affidavit is to make the foregoing a matter of public record in the office of the Bayfield County Register of Deeds.

The Bayfield County Zoning Agency, shall record the decision denying it, setting forth the terms of the variance and a legal description of the property to which it pertains, with the Bayfield County Register of Deeds. The recording fee shall be paid by the applicant. The terms and conditions of the variance shall be binding upon and inure to the benefit of all current and future owners of such property, unless otherwise stated as part of a condition.

<p style="text-align: center;">Bayfield County Planning and Zoning Department</p> <p style="text-align: center;">Governmental Official Printed Name and Title:</p> <p style="text-align: center;">Robert D. Schierman, Director</p>	<p style="text-align: center;">This instrument was signed before me in the State of Wisconsin, County of Bayfield</p> <p style="text-align: center;">On this <u>17</u> day <u>June</u>, 2021</p>
<p style="text-align: center;">Governmental Agent(s) Signature:</p> <div style="text-align: center;">  </div> <p style="text-align: center;">This <u>17th</u> day of <u>June</u>, 2021</p>	<p>by:  Notary Public</p> <p>My commission expires on: <u>2/8/25</u></p>

Receiving approval from the Board of Adjustment at the meeting does not authorize the beginning of construction or land use; you must first obtain land use application/permit card(s) from the Planning and Zoning Department.

Granted:

Request	Location	Size
(2-Story) Residential Addition	Westside of structure	26' x 24' = 624 sq. ft. footprint
New Deck in front of new residential addition	Westside of structure	24' x 12' = 288 sq. ft.
(1-Story) Garage	Southside of structure	24' x 16' = 384 sq. ft.
Enclose the existing deck (non-permitted)	Northside of the structure.	26' x 10' = 260 sq. ft.



Bayfield County Land & Water Conservation Department
615 2nd Ave. East; PO Box 126
Washburn, WI 54891

• Phone: (715) 373-6167

• FAX: (715) 373-6127

• Website: www.bayfieldcounty.org

August 25, 2020

Ray Ebert
W3763 Hidden River Road
West Salem, WI 54669

RECEIVED
AUG 25 2020

Bayfield Co. Zoning Dept.

Re: **Stormwater Management Plan Review** for Property Described as Lot 10 of Youngs Assessor's Plat, Section 21, Township 43 North, Range 06 West, Town of Namakagon, Bayfield County, Wisconsin (Parcel I.D.#04-034-2-43-06-21-1 00-321-14000).

Dear Mr. Ebert,

On Thursday, August 13, 2020 we received your stormwater management plan from Gary Kastner for the proposed residential additions on the above referenced property.

Based on the property survey and architectural drawings the impervious surfaces with the proposed additions and platted roads will cover approximately 48% of the lot area. A significant percentage of the impervious surfaces are the private platted roads that extend the entire perimeter of the property.

The proposed stormwater management plan addresses approximately 10% of the impervious surfaces, mainly the roof of the existing cabin and the roofs of the proposed additions. The plan includes installation of three (3) combination rain barrel and rain garden systems. The proposed holding (rain barrel) and infiltration system (rain garden) is acceptable and will reduce the stormwater runoff.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Tulowitzky".

Travis Tulowitzky
Conservation Technician

Cc: Robert Schierman, Bayfield County Planning & Zoning Department



Travis Tulowitzky

From: Gary Kastner <kastner10@aol.com>
Sent: Monday, August 24, 2020 4:23 PM
To: Travis Tulowitzky
Subject: Re: Ebert site plan

Travis-

- * Each rain garden will be one foot deep and around five by ten feet
- * 1800 sf includes the existing and the proposed roof area
- * The location of the rain barrels are located to accept the downspouts of the gutters.

Because of the roadway serves several properties it is impossible for us to control the runoff even though the majority of the road is on our property. Therefore with size and location of the proposed raingardens we are trying to contain almost 100% of the remaining impervious surface based on the areas indicated on the site survey.

Please call with questions- Gary Kastner

-----Original Message-----

From: Travis Tulowitzky <ttulowitzky@bayfieldcounty.org>
To: Gary Kastner <kastner10@aol.com>
Cc: ray@ebert.org <ray@ebert.org>
Sent: Fri, Aug 14, 2020 1:18 pm
Subject: RE: Ebert site plan

Hi Gary,

Thanks for the stormwater plan. I have few questions:

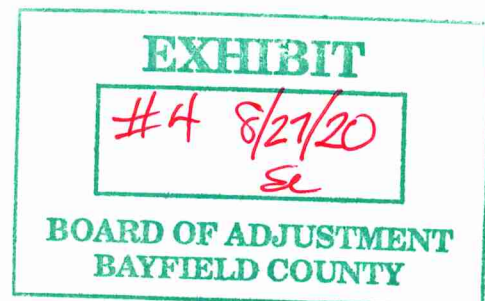
- What is the area of each rain garden in square feet? I see you have 50 cubic feet figured for each. Would I assume 100 sq.ft. by 6" deep?
- You note 1800 sq.ft. for the roof area. Is this just for the proposed additions or does this include the existing cabin roof too?
- Do you think the 3 rain gardens (w/rain barrel) "treat" the stormwater runoff from all of the roofs? Another words will all the roof drip edges (existing & proposed) be guttered and directed towards 1 of the 3 rain gardens?
 - If so, your plan would address approx. 10% of the impervious surface. Does this sound right?

Thanks!

Travis

Travis Tulowitzky
Conservation Technician
Bayfield County Land & Water Conservation
(715) 373-6167

From: Gary Kastner <kastner10@aol.com>
Sent: Thursday, August 13, 2020 11:01 AM



Robert Schierman

From: Deb Kmetz
Sent: Wednesday, July 14, 2021 8:32 AM
To: Robert Schierman
Subject: RE: Ebert

Ok, then the next step is give the application packets to Krystal for issuance.

She will tell you these have to go to Deb. Tell her I already seen them--the permits are ready for issuance. They are saved in the Permit Folder as always.

Note Email:

Bayfield County issued new email addresses effective January 26th, 2021 (see update below).

Respectfully, Deb

Debbie Kmetz, Office Manager
Bayfield County Planning and Zoning Dept
117 E 5th Street
P.O. Box 58
Washburn, WI 54891
(715) 373-6138
(715) 373-0114 (Fax)
deb.kmetz@bayfieldcounty.wi.gov
www.bayfieldcounty.org/147

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-----Original Message-----

From: Robert Schierman <Robert.Schierman@bayfieldcounty.wi.gov>
Sent: Wednesday, July 14, 2021 8:30 AM
To: Deb Kmetz <Deb.KMetz@bayfieldcounty.wi.gov>
Subject: RE: Ebert

Yes, these look good.

Langley is on-line and I will approve it and move forward for issuance in the next 1/2 hour.

Notice: New Bayfield County email address listed below is effective January 26th, 2021.

Robert Schierman, Director
Bayfield County Planning and Zoning
2018 Wisconsin County Code Administrators (WCCA) President Office 715-373-6138 Cell 715-209-7982 Fax 715-373-0114 Robert.Schierman@Bayfieldcounty.wi.gov

-----Original Message-----

From: Deb Kmetz <Deb.KMetz@bayfieldcounty.wi.gov>
Sent: Wednesday, July 14, 2021 8:25 AM
To: Robert Schierman <Robert.Schierman@bayfieldcounty.wi.gov>
Subject: RE: Ebert

Here are the Drafts for the (2) BOA cases. Let me know if they are OK.

Note Email:

Bayfield County issued new email addresses effective January 26th, 2021 (see update below).

Respectfully, Deb

Debbie Kmetz, Office Manager
Bayfield County Planning and Zoning Dept
117 E 5th Street
P.O. Box 58
Washburn, WI 54891
(715) 373-6138
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-----Original Message-----

From: Bayfield MFP <BayfieldMFP@bayfieldcounty.org>
Sent: Wednesday, July 14, 2021 8:22 AM
To: Deb Kmetz <Deb.KMetz@bayfieldcounty.wi.gov>; Robert Schierman <Robert.Schierman@bayfieldcounty.wi.gov>
Subject: Ebert

This E-mail was sent from "RNP002673E71002" (MP C3504ex).

Scan Date: 07.14.2021 08:21:40 (-0500)
Queries to: bayfieldmfp@bayfieldcounty.org

Town, City, Village, State or Federal
Permits May Also Be Required

LAND USE – **X** w/affidavit (Doc. #2021R-589333)

SANITARY – (13-68S)

SIGN –

SPECIAL –

CONDITIONAL –

BOA – **X** [Reconsideration] (# 20-03B) (1/28/2021)

BAYFIELD COUNTY

PERMIT

WEATHERIZE AND POST THIS PERMIT
ON THE PREMISES DURING CONSTRUCTION

No. **21-0218** Issued To: **Ray A Ebert**

Substandard Lot located in

Location: $\frac{1}{4}$ of $\frac{1}{4}$ Section **21** Township **43** N. Range **6** W. Town of **Namakagon**

R-RB zone / shoreland (Tax ID# 25259, in Doc # in Register of Deeds Office)

Gov't Lot Lot **10** Block Subdivision **Young's Assessor's Plat** CSM# (Doc #)

For: **Variance from 13-1-22(b)(2) to allow a 20' setback from centerline of Lake Ridge Rd and a Variance from Section 13-1-32(c) allowing 47% impervious surface calculations reduced to 15.6% after reduction of public road and implementing mitigation plan approved by Land & Water Dept dated January 25, 2021.**

Permit allows the applicants a (2)-Story Residential Addition (westside of structure) (26' x 24' = 624 sq. ft. footprint; a New Deck in front of new residential addition (westside of structure) (24' x 12' = 288 sq. ft.); a (1)-Story Attached Garage (southside of structure) (24' x 16' = 384 sq. ft.) and the existing/non-permitted deck (northside of structure) (26' x 10' = 260 sq. ft.)

You (the property owner) shall fulfill the conditions placed by the Board of Adjustment; your recorded affidavit; sanitary (if applicable) and/or any additional requirements placed by this Department. The Planning and Zoning Department requires verification/proof that all conditions have been met. Any future expansions or development would require additional permitting. **(Disclaimer):** The Planning and Zoning Department **does not** authorize the beginning of any construction or land use; **you must first obtain land use application(s)/permit card(s)** from the Planning and Zoning Department.

Condition(s): **(1) Storm water mitigation plan must be implemented within (24) months of being granted (January 28, 2023); (2) Footprint of any new structure must be surveyed and laid out by a licensed surveyor. (3) Land Use Permits and Sanitary Permits must be obtained prior to any construction. (4) A Uniform Dwelling Code (UDC) Building Permit from the locally contracted UDC Inspection Agency must be obtained prior to the start of construction.**

You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the department of natural resources wetlands identification web page or contact a department of natural resources service center (715) 685-2900.

NOTE: Changes in plans or specifications shall not be made without obtaining approval.

This permit may be void or revoked if any of the application information is found to have been misrepresented, erroneous, or incomplete.

This permit may be void or revoked if any performance conditions are not completed or if any prohibitory conditions are violated.

Board of Adjustment / Robert Schierman

Authorized Issuing Official
July 15, 2021

Date